INVESTIGATION REPORT

THE ASSISTANCE PROVIDED BY HOME AFFAIRS DEPARTMENT TO OWNERS AND OWNERS' CORPORATIONS IN MANAGING AND MAINTAINING THEIR BUILDINGS

November 2003

Office of The Ombudsman

Hong Kong

TABLE OF CONTENTS

EXECUTIVE SUMMARY

LEGEND OF ABBREVIATIONS

LIST OF TABLES

LIST OF ANNEXURES

Chapter		Paragraph
1	Introduction	
	Background	1.1 - 1.2
	Ambit	1.3
	Methodology	1.4 - 1.5
	Report	1.6
2	Historical Overview	
	General	2.1 - 2.3
	A Comprehensive Strategy	2.4
	SHA's Speech in the Legislative Council, May 2001	2.5 - 2.6
	Policy Objectives and Agenda	2.7 - 2.8
	Proposed Amendments to the Ordinance	2.9
	Team Clean	2.10 - 2.11
3	Means and Mechanism	
	General	3.1
	Organisational Set-up and Staff Deployment	3.2 - 3.7
	Means of Service Delivery	3.8 - 3.22
	Support and Control	3.23 - 3.37
4	Proactive Assistance to Buildings With Problems	
	Building Management Coordination Committees	4.1 - 4.7
	Other Proactive Assistance to Buildings with Problems	4.8 - 4.9

Chapter		Paragraph
5	Community Concerns	
	General	5.1
	Professional Bodies	5.2
	Focus Group Discussions	5.3
	Exchange Forum	5.4
	A Study on Support to OCs	5.5 - 5.9
	Public Complaints	5.10
	Public Submissions	5.11
6	Observations and Opinions	
	General	6.1
	Staff Deployment	6.2 - 6.11
	Means of Service Delivery	6.12 - 6.23
	Support and Control	6.24 - 6.30
	Other Observations	6.31 - 6.32
7	Conclusions and Recommendations	
	General	7.1
	Conclusions	7.2
	Recommendations	7.3
8	Final Remarks	
	Comments from HAD and other Government Departments	8.2 - 8.6
	Our Response	8.7
	Epilogue	8.8 - 8.10

ANNEXURES

調查報告摘要

民政事務總署在大廈管理及維修方面
為業主和業主立案法團提供的協助

背景資料

本署不時收到投訴，指民政事務總署（「民政署」）沒有充分協助大廈業主和業主立案法團（「法團」）管理和維修他們的樓宇。本年三月，本署就民政署如何協助業主成立法團完成了一項直接調查。在調查的過程中，本署注意到市民相當關注民政署為業主和法團提供的協助是否適切有效。有鑑於此，申訴專員決定根據香港法例第397章《申訴專員條例》第7(1)(a)(ii)條，進行直接調查。

調查工作

2. 這次直接調查會：

- 審研民政署在大廈管理及維修方面，為業主和法團提供的服務和協助；
- 確定這些服務和協助是否適切有效；以及
- 評估是否有需要改善的地方。

政府當局的政策及策略

3. 管理和維修私人樓宇是業主的責任。在私人樓宇管理方面，政府的角色是鼓勵業主成立法團，以及向業主提供意見和協助。二零零一年四月，政府公布關於樓宇安全及適時維修的綜合策略，包括鼓勵和改善負責任的樓宇管理的各種措施。二零零一年五月，民政事務局局長表示政府會從以下三方面着手，加強協助業主和法團：

- 提供有助於法團成立和運作的法律綱領；

- 向業主和法團提供更多專業意見和更全面便捷的服務；以及

- 為法團成員提供訓練。

為了推行有關的工作，政府向民政署每年增撥 4,390 萬元，當中包括設立 90 個職位。

組織架構及員工調配

4. 民政署為了改善**總部層面**所提供的支援，於二零零一年六月成立了一個科，專責大廈管理服務的整體策劃和統籌工作，並為前線員工提供支援和培訓。這個科由一名助理署長主管，屬下有聯絡和房屋管理職系人員（後者從房屋署借調到該署）。此外，民政署在二零零二年三月和十一月分別開設了高級屋宇測量師和高級政府律師的職位，以便提供專業意見、編寫參考資料、為培訓計劃和課程提供意見。

5. 在**區域層面**，除了早年成立的兩個大廈管理資源中心（「資源中心」）之外，民政署又增設了兩個資源中心 [1]，加強原有的服務。這些資源中心由聯絡和房屋管理職系人員負責提供服務，他們會為市民提供資料，解答查詢，提供意見，並且舉辦培訓課程、工作坊和展覽等。資源中心也可以為業主和法團預約時間，由義務的專業團體 [2] 免費提供專業意見。

6. 在**地區層面**，民政署在二零零一年年底至二零零二年年初，在 18 區的民政事務處（「民政處」）設立地區大廈管理聯絡小組（「聯絡

---

[1] 位於油麻地的資源中心（九龍）和位於中環的資源中心（香港）分別在一九九八年五月和二零零零年二月設立；位於荃灣的資源中心（新界西）和位於沙田的資源中心（新界東）則分別在二零零一年六月和二零零三年二月設立。

[2] 在資源中心義務免費提供諮詢服務的七個專業團體是：香港律師會、香港會計師公會、香港測量師學會、香港物業管理公司協會、香港工程師學會、香港房屋經理學會及香港建築師學會。

小組」)，以便協助業主成立法團，主動向有問題的大廈的業主和法團提供支援，於獲邀出席會議時提供意見，舉辦宣傳和培訓活動，以至處理投訴和調解糾紛。聯絡小組由聯絡和房屋管理職系人員負責有關工作，並由臨時社區幹事提供支援。

觀察所得及意見

整體情況

7. 過去數十年，政府為改善對業主和法團提供的支援，已經增撥資源及加強立法，最後在二零零零年通過《建築物管理(修訂)條例》，並在二零零一年四月訂定綜合策略。這些積極主動的步驟和策略，確實提高了公眾的期望，令他們以為政府將推行重大措施，改善有關服務。遺憾的是，在頒布種種措施後不足三年間，前進的步伐即已放緩，甚至幾乎停頓下來，部分原因是政府實行全面節流。諷刺的是，嚴重急性呼吸系統綜合症(「非典型肺炎」)的爆發卻帶來了一些好處：疫症爆發後成立的「全城清潔策劃小組」，間接令當局在宣傳互相合作做好大廈管理工作方面的勢頭得以持續。

員工調配

8. 今年三月，民政署決定在二零零二／零三年度至二零零五／零六年度期間分階段將78個房屋管理職系的職位刪除。截至今年十月一日止，已有37個房屋管理職系的職位被刪除[3]，餘下的41個職位將在今年十月至二零零六年三月期間按計劃分階段刪除[4]。民政署已重新安排餘下人員的職責，並以合約方式招聘了多名聯絡主任。另外，該署亦於今年七月刪除了高級屋宇測量師的職位，此後在有需要時會向屋宇署尋求專業協助。至於該署的高級政府律師一職，出任該職者一直在律政司辦事處工作，並非駐在民政署總部。今年四月，這個職位更已永久撥歸律政司。

[3] 包括民政署總部的一名高級房屋事務經理、16名房屋事務經理、15名副房屋事務經理，以及五名房屋事務主任。

[4] 二零零三年年底前刪除13個副房屋事務經理職位，並由二零零四年起分階段刪除28個房屋事務主任職位。

9. 大部分借調到民政署的房屋管理職系人員，都是持有專業資格的房屋經理，具有知識和經驗為業主和法團就大廈管理及維修保養事宜提供意見。他們離開民政署，無可避免會削弱該署的專業水平，影響服務質素。餘下的人員本身接受的訓練和所積累的經驗，主要都是在聯絡和行政這兩方面。故此，本署質疑民政署「一刀切」地刪除所有房屋管理職系的職位這個決定是否明智，並擔心這會影響政府為私人大廈在管理方面所提供的協助。

10. 民政署並沒有充分利用及發揮高級屋宇測量師和高級政府律師的專業知識。刪除高級屋宇測量師的職位，以及讓高級政府律師在律政司辦事處遙距運作的做法，均有違當初為民政署總部開設這兩個職位的原意 —— 即為業主、法團和該署人員提供更專業的服務。民政署的行動等同倒退到二零零零年以前，而在某種程度上亦與政府於二零零一年四月訂定的策略背道而馳。

11. 本署明白到民政署和政府其他部門一樣，必須有效地節省開支。然而，我們認為節省開支絕不能導致服務水平下降。民政署必須謹慎地在兩者之間取得平衡。

12. 在聯絡小組工作的臨時社區幹事，負責進行家訪和意見調查，與業主和法團保持緊密聯絡、收集消息和確定問題，以便聯絡主任跟進。但是，很多業主和法團都以為臨時社區幹事有責任為他們提供意見，這對臨時社區幹事並不公平，因為他們沒有這方面的訓練。

提供服務的方法

資訊

13. 民政署刊印了多種有關大廈管理的小冊子，配合政府其他部門的刊物及各區的大廈管理手冊、單張和通訊。它們為業主和法團提供全面而實用的資料，分發範圍理應盡量擴展到全港各區。雖然這些刊物都存放在資源中心供人閱覽，但是當中只有幾種上載到大廈管理網站[5]，供人瀏覽參考。

---

[5] 大廈管理網站網址：*http://www.buildingmgt.gov.hk*

14. 大廈管理網站內的資訊不夠全面，而且是按資料的類別（如法例、參考資料、報告等）編排，而不是按一般主題（如大廈安全、消防安全、環境衞生等）排列，以致在檢索某個特定的大廈管理主題時會較困難和花費時間。

15. 民政署編印了一份消防安全巡查表，以提高業主和法團對潛在火警危險的意識；廉政公署也印備了多份核對表供他們參考。這些核對表在自行檢驗和查核方面都十分有用，有助提高業主和法團對潛在問題的意識。

意見

16. 自二零零三年四月起，民政署已延長資源中心（九龍）的開放時間[6]，並且加強開放時間以外的電話轉駁和電話錄音服務。上述措施為資源中心的使用者提供更大方便，市民普遍表示歡迎。

排解糾紛

17. 自二零零二年九月起，民政署已徵得專業團體的協助，以試辦方式在資源中心提供免費調解服務。然而，資源中心迄今只提供過四次調解服務。自今年年初起，民政署開始為員工舉辦調解實務課程，以提高員工在排解業主與法團間的衝突和糾紛方面的能力。

宣傳和培訓

18. 過去一年多以來，民政署已大幅加強宣傳和培訓活動，不僅活動的數目和參加的人數增加，活動的性質亦日趨多元化。民政署在這方面的努力應予嘉許。

19. 目前，民政署為法團成員舉辦大廈管理課程，提供基本的法律知識，主要關於法團的權力和職責，以及《建築物管理條例》的重要條文。對這些成員來說，上述課程的內容也許並不足夠，因為他

---

[6] 資源中心（九龍）的新開放時間為：周日上午十時至晚上十時，星期六上午十時至下午六時三十分。

們基本上是義務性質，並非專業人士，但卻要負起大廈管理的責任。

大廈管理統籌委員會

20. 民政署透過大廈管理統籌委員會計劃[7]，協助問題大廈的業主和法團改善其大廈的管理和維修。這項計劃自一九八五年推行以來，已取得一些成績。然而，屋宇署在二零零零年年底設立的屋宇維修統籌計劃卻令這兩項計劃產生如何互相配合的問題。二零零一年年初，民政署與屋宇署同意把大廈管理統籌委員會行動清單上的大廈分類，但民政署要在一年半後才發現由此產生的問題，而且還要多花一年的時間才與屋宇署研究出部分的解決方法。民政署理應及早發現問題，並與屋宇署研究出解決的方法。本署認為，民政署拖延處理問題是不負責任的做法。

支援及監督

員工諮詢服務

21. 民政署已製備「關於《建築物管理條例》的常見問題」，供員工參考。可是，上述「常見問題」的涵蓋範圍十分有限。目前，民政署亦正編寫一份私人樓宇維修手冊和一份大廈管理的法庭案例索引，供員工參考。

---

[7] 大廈管理統籌委員會負責鑑定問題大廈，協調各部門解決這些大廈的管理和維修問題。

員工培訓

22. 近幾年來，民政署已大幅加強員工的培訓工作。此舉有助增強員工為業主和法團提供意見的信心。民政署的努力值得嘉許。

23. 民政署為員工設立一項培訓計劃，計劃分為初級、高級和增補程度。然而，這項計劃的內容不夠詳盡。民政署已委聘大專院校和徵得義務專業人士為員工、業主和法團提供培訓。本署贊同這種做法。

管理資訊

24. 民政署的一般大廈管理主題並無一致的分類。這樣無助於準確管理資訊報告、趨勢分析，以及有關服務的檢討和發展。

服務檢討

25. 二零零二年五月，民政署成立了一個內部工作小組，定期檢討和改善其大廈管理服務。該署亦進行使用者滿意程度調查，評估各類服務的工作表現，以及收集使用者對這些服務的意見。二零零二年年底，民政署與法團組織、專業團體和各區區議員進行一系列專題討論會，收集他們的意見和建議。這些都是改善和發展服務的重要元素。

其他觀察所得

26. 我們在與專業團體討論時，雙方都有共同的觀察所得，就是私人大廈管理的政策制訂和執行工作分散，由多個決策局和部門負責。此外，全城清潔策劃小組要求房屋及規劃地政局制定有關強制性成立法團和聘用物業管理公司的政策，令情況更為複雜。截至目前為止，這些工作一向被認為是民政事務局的職能。有人建議政府應考慮指派單一個決策局，協調制定有關私人大廈管理的政策。本署覺得這項建議值得支持。

結論

27. 根據這次調查所得，本署有以下的結論：

(a) 過去三十年，政府一直致力推廣良好的大廈管理。近幾年來，政府已修訂《建築物管理條例》和制定更主動的策略和更積極的政策，進一步協助業主和法團，這些意願和努力均值得讚賞；

(b) 近幾年來，民政署一直致力推廣和支援良好的大廈管理，以及為業主和法團提供更多的培訓，努力值得嘉許。然而，該署在為業主和法團提供意見和給予積極協助方面仍有不足之處；

(c) 當局刪除了提供大廈管理服務的所有房屋管理及專業職系的職位，窒礙了民政事務局局長在二零零一年發表和獲得撥款推行的政策目標；

(d) 民政署一方面應繼續爭取專業團體的義務服務和私人執業的專業人士投身義務工作，另一方面該署也必須培養本身的大廈管理專才，以提高服務質素及進行有關的法例檢討；

(e) 當局提出進一步修訂《建築物管理條例》，而全城清潔策劃小組建議強制成立法團和聘用物業管理公司，以及增強地方行政，為民政署增添額外工作，亦令到該署的工作更趨複雜；

(f) 為此，政府在二零零一年四月提出的策略之一，即為物業管理公司進行註冊的建議，將可提升管理公司的專業水平，使私人大廈得到較專業的管理和維修服務。政府應加快實施這項建議；

(g) 儘管當局不斷進行宣傳和教育，但是仍然有些業主和法團誤以為政府有責任為他們解決所有管理問

題。這種誤解為民政署造成不必要的困難和過度的負擔；以及

(h) 雖然政府目前全面節流，民政署亦要切實減省開支，但決不可讓其服務水平下滑或降低。為此，民政署必須重新審視其職能，重新調整緩急先後次序，以及重行調撥資源。

建議

28. 基於上述背景，申訴專員向民政署及政府當局提出下列建議：

民政署

員工調配

(a) 認真檢討該署的員工編制，尤其是全面刪除專責大廈管理服務的房屋管理及專業職系所有職位的決定（見第 11 段）；

(b) 清晰界定及宣傳聯絡主任和臨時社區幹事的角色，使業主和法團對他們的角色能夠有切實的理解和合理的期望（見第 12 段）；

提供服務的方式

(c) 把有關大廈管理的刊物上載到該署的大廈管理網站，或透過該網站提供超連結接駁聯繫（見第 13 段）；

(d) 增強網站的內容，並加設按主題進入網站選取資料的途徑（見第 14 段）；

(e) 和其他部門及專業團體合作，編製更多核對表，供業主和法團參考（見第 15 段）；

(f) 定期檢討資源中心使用者的需要，並延長或調整資源中心的開放時間，為他們提供更大方便（見第 16 段）；

(g) 更廣泛地宣傳資源中心提供的調解服務試驗計劃（見第 17 段）；

(h) 加強為法團成員提供有關《建築物管理條例》方面的法律訓練（見第 19 段）；

(i) 認真檢討及解決大廈管理統籌委員會和屋宇維修統籌計劃如何互相配合的問題（見第 20 段）；

支援及監督

(j) 加緊編製正在擬備中的員工參考資料，以及加強「常見問題」的內容（見第 21 段）；

(k) 改善員工培訓及發展計劃（見第 23 段）；

(l) 考慮贊助合適的人員考取有關屋宇管理的正式資格，以提高該署人員的專業水平（見第 23 段）；

(m) 訂立一套大廈管理主題和副主題的標準分類，以確保管理資訊報告的一致性（見第 24 段）；

(n) 考慮在各民政處成立「使用者聯絡小組」網絡，收集使用者的反應和建議（見第 25 段）；以及

政府當局

(o) 政府應考慮指定一個決策局，統籌有關私人大廈管理的政策制訂工作（見第26段）。

結語

29. 總括而言，民政署接納調查報告的所有建議。

申訴專員公署
檔案編號：OMB/DI/110
二零零三年十一月

Executive Summary of Investigation Report on Assistance Provided by Home Affairs Department to Owners and Owners' Corporations in Managing and Maintaining their Buildings

Background

This Office has received complaints from time to time against the Home Affairs Department (HAD) for not providing adequate assistance to property owners and Owners' Corporations (OCs) in managing and maintaining their buildings. In March this year, this Office completed a direct investigation into how HAD facilitated the formation of OCs. In the course of investigation, this Office noted considerable community concern over the adequacy and effectiveness of the assistance provided by HAD to owners and OCs. Against this background, The Ombudsman decided to conduct a direct investigation under section 7 (1)(a)(ii) of The Ombudsman Ordinance, Cap. 397.

The Investigation

2. This direct investigation :

- examines HAD services and assistance to owners and OCs in managing and maintaining their buildings;
- ascertains their adequacy and effectiveness; and
- assesses the need for improvement.

Government Policy and Strategy

3. Responsibility for managing and maintaining private property rests with the owners. The role of Government in private building management is to encourage them to form OCs and to give advice and assistance. In April 2001, Government published a comprehensive strategy for building safety and timely maintenance which included measures for encouraging and improving responsible building management. In May 2001, the Secretary for Home Affairs (SHA) set out Government's

three-pronged approach to strengthen support to owners and OCs :

- to provide a legal framework conducive to the formation and operation of OCs;
- to provide more professional advice, more comprehensive and accessible services to owners and OCs; and
- to provide training for OC members.

For this, Government allocated additional recurrent resources of $43.9M a year to HAD, which included the provision for 90 posts.

Organisational Set-up and Staff Deployment

4. For improvement at **HQ level**, HAD set up in June 2001 a dedicated Division for overall planning and coordination of building management services, also for support and training for frontline staff. Headed by an Assistant Director, the Division is manned by liaison and housing grades staff, the latter seconded from Housing Department (HD). Posts for a Senior Building Surveyor (SBS) and a Senior Government Counsel (SGC) were created in March and November 2002 respectively to provide expert advice, compile reference materials, offer advice on training plans and programmes.

5. At **regional level**, HAD set up two more Building Management Resource Centres (BMRCs) to supplement the existing two[1]. Staffed by liaison and housing grades staff, these Centres provide information, answer enquiries, offer advice and organise training courses, workshops and exhibitions. They also arrange appointments for owners and OC members seeking free expert advice from volunteer professional bodies[2].

6. At **district level**, between late 2001 and early 2002, HAD set

[1] BMRC/K in Yaumatei and BMRC/HK in Central were set up in May 1998 and February 2000; BMRC/NTW in Tsuen Wan and BMRC/NTE in Shatin in June 2001 and February 2003.

[2] The seven volunteer professional bodies which offer free advisory services at BMRCs are the Law Society of Hong Kong, Hong Kong Society of Accountants, the Hong Kong Institute of Surveyors, the Hong Kong Association of Property Management Companies, Hong Kong Institution of Engineers, the Hong Kong Institute of Housing and the Hong Kong Institute of Architects.

up District Building Management Liaison Teams (DBMLTs) in the 18 District Offices (DOs) to help owners form OCs, provide proactive assistance to owners and OCs of problematic buildings, offer advice at meetings when invited, organise publicity and training programmes, handle complaints and mediate in disputes. DBMLTs are staffed by liaison and housing grades staff and supported by Temporary Community Organisers (TCOs).

Observations and Opinions

General

7. Over the decades, Government has enhanced resources and legislative backing to improve support to property owners and OCs, culminating in the Building Management (Amendment) Ordinance 2000 and the comprehensive strategy of April 2001. These proactive steps and positive strategies have raised public expectations with bright promises of a major move for improvement. Regrettably, in less than three years, the strides forward have staggered almost to a faltering halt – due in part to Government's economy drive. Ironically, the outbreak of Severe Acute Respiratory Syndrome (SARS) has brought some blessings : Team Clean in the aftermath of the outbreak has indirectly helped to maintain something of the momentum in promoting cooperative building management services.

Staff Deployment

8. In March 2003, HAD decided to delete all 78 housing grade posts by phases, from 2002/03 to 2005/06. By 1 October 2003, 37 housing grade posts have been deleted[3]. The remaining 41 posts are scheduled for deletion by phases from October 2003 to March 2006[4]. HAD has reshuffled the duties of the remaining staff and recruited contract liaison officers. HAD also deleted the SBS post in July 2003 and would thereafter approach

[3] Included one post of Senior Housing Manager (SHM) in HAD HQ, all 16 posts of Housing Manager (HM), 15 posts of Assistant Housing Manager (AHM) and 5 posts of Housing Officer (HO).
[4] 13 posts of AHM to be deleted by the end of 2003 and 28 posts of HO to be deleted by phases starting 2004.

the Buildings Department (BD) for professional assistance as necessary. As for the SGC post, the incumbent has been physically stationed in the Department of Justice (D of J) instead of HAD HQ. In April 2003, the post was transferred to D of J permanently.

9. Most housing grade staff seconded to HAD are qualified housing managers. They have the knowledge and experience in advising owners and OCs on building management and maintenance matters. Their departure inevitably dilutes the expertise in HAD and affects the quality of services. The remaining staff are mainly liaison and executive by training and in experience. We question the wisdom of HAD in an across-the-board deletion of all of its housing grade posts. We are concerned over its impact on Government's support for private building management.

10. HAD has not fully and gainfully maximised the professional expertise of the SBS and SGC. The deletion of the SBS post and remote operation of the SGC from D of J have defeated the original purpose of their creation for HAD HQ -- to make way for more professionalism in HAD services to owners, OCs and staff. HAD's action is tantamount to turning the clock back to the pre-2000 era and a partial reversal of Government's strategy of April 2001.

11. We appreciate that HAD is required to achieve efficiency savings as with other Government departments. We are, however, mindful that these savings must not result in a deterioration of service standards. HAD must strike a careful balance between the two.

12. TCOs serving in DBMLTs conduct household visits and surveys, maintain close liaison with owners and OCs, collect intelligence and identify problems for follow-up by liaison officers. Many owners and OCs are, however, under the impression that the TCOs are meant to advise them. This is unfair to the TCOs as they are not trained for advisory services.

Means of Service Delivery

Information

13. HAD has published a number of building management booklets. These are supplemented by publications of other Government departments and various district building management handbooks, leaflets and newsletters. Together, they provide comprehensive and practical information for owners and OCs and deserve the widest possible circulation. While these publications are available for viewing at BMRCs, only some are uploaded onto the building management website[5] for online viewing.

14. The information contained in the building management website is not sufficiently comprehensive and is organised by information type (e.g. legislation, reference materials, bulletin) rather than generic themes (e.g. building safety, fire safety, environmental hygiene). Retrieval of information on a particular building management theme can be difficult and time-consuming.

15. HAD has produced a Fire Safety Checklist to raise the awareness of owners and OCs to potential fire hazards. The Independent Commission Against Corruption (ICAC) has produced a number of checklists for the reference of owners and OCs. These checklists are useful self-inspection tools to enhance the awareness of owners and OCs to potential problems.

Advice

16. Since April 2003, HAD has extended the opening hours of BMRC/Kowloon[6] and enhanced the telephone redirection and recording services which operate after opening hours. This has improved the user-friendliness of the BMRCs and is a welcome move.

Dispute Resolution

17. Since September 2002, HAD has secured the assistance of

---

[5] Building Management Website : *http://www.buildingmgt.gov.hk*

[6] New opening hours of BMRC/K : 10 a.m. to 10:00 p.m. on weekdays and 10 a.m. to 6:30 p.m. on Saturdays.

professional bodies to provide free mediation service at BMRCs on a pilot basis. However, only four mediation sessions have been conducted since. To enhance staff capability in resolving conflicts and disputes among owners and OCs, HAD has since early 2003 organised courses on mediation practice.

Publicity and Training

18. HAD has strengthened publicity and training activities considerably over the past year or so. This has been in terms of an increase not only in activities and participants but also in variety. HAD should be commended for this effort.

19. HAD now provides basic legal knowledge, mainly on the powers and duties of OCs and the basic provisions of the Building Management Ordinance (BMO), in the building management courses for OC members. This may not be sufficient for them as they are essentially lay volunteers carrying out their building management responsibilities.

Building Management Coordination Committees (BMCCs)

20. HAD helps owners and OCs of problematic buildings to improve their management and maintenance through the BMCC scheme[7]. The scheme has made some success since its inception in 1985. The introduction of the Coordinated Maintenance of Buildings Scheme (CMBS) by BD in late 2000 has created some interface problems for the two schemes. While HAD had in early 2001 agreed with BD to categorise the buildings on the BMCC action lists, it took the department one and a half years to realise the emerging problems; and a further year to work out partial solution with BD. HAD should have realised these problems and worked out solutions with BD at an early stage. In our view, HAD was remiss in these procrastinating tactics.

Support and Control

---

[7] The BMCCs identify problematic buildings and coordinate inter-departmental efforts in resolving management and maintenance problems of these buildings.

Staff Advisory Service

21. HAD has produced the "Frequently Asked Questions (FAQs) on the BMO" for staff reference. However, the FAQs have only limited coverage. HAD is also preparing a manual on the maintenance of private buildings and an index of building management court cases for staff reference.

Staff Training

22. HAD has stepped up staff training considerably in recent years. This has helped to boost staff confidence in offering advice to owners and OCs. HAD is commended for these efforts.

23. HAD has a training plan, which sets out the courses for staff at the basic, advanced and supplementary level. However, this plan is not sufficiently comprehensive. HAD has commissioned tertiary educational institutions and enlisted the services of volunteer professionals for training staff, owners and OCs. We endorse this approach.

Management Information

24. HAD has no consistent classification of building management themes in generic terms. This is not conducive to accurate reporting of management information, trend analysis as well as service reviews and development.

Service Reviews

25. HAD set up an internal working group in May 2002, which regularly reviews and improve its building management services. It also conducts user satisfaction surveys to gauge performance and solicit user feedback on different areas of services. In late 2002, HAD held a series of focus group discussions with OC associations, professional bodies and District Council (DC) members to tap feedback and suggestions. These are important

tools for service improvement and development.

Other Observations

26. A common observation from professional bodies during our discussion with them is the fragmentation of policy on private building management and the division of responsibilities among a number of Government bureaux and departments. The situation is complicated by Team Clean asking the Housing, Planning and Lands Bureau (HPLB) to formulate policy on mandatory formation of OCs and appointment of property management companies. Hitherto, these have been the long acknowledged functions of the Home Affairs Bureau (HAB). There are suggestions that Government should consider designating one single bureau to coordinate the formulation of policies on private building management. We see merit in this suggestion.

Conclusions

27. On the basis of our investigation, we have the following conclusions -

(a) Over the past 30 years, Government has devoted much efforts to promote good building management. In recent years, Government has amended the BMO and drawn up proactive strategies and positive policies to further facilitate owners and OCs. These intentions and efforts are commendable;

(b) HAD has in recent years put in commendable efforts to promote and support good building management and to organise more training for owners and OCs. However, the department still falls short in providing advice and proactive assistance to owners and OCs;

(c) The deletion of all housing and professional grades posts for building management services has frustrated SHA's policy

objectives declared and resourced in 2001;

(d) While HAD should continue to enlist the voluntary services of professional bodies and volunteer professionals in private practice, the department must build up its own building management expertise for service enhancement and legislation reviews;

(e) The proposals to further amend the BMO, the mandatory formation of OCs, appointment of property management companies and "empowerment" of district administration proposed by Team Clean compound HAD's position by putting additional burden on the department;

(f) In this connection, the proposal in Government's strategy of April 2001 to register property management companies would raise their standards for more professional management and maintenance of private buildings. Government should expedite the implementation of this proposal;

(g) Despite continued publicity and education, there are still owners and OCs who are under the misconception that Government has a duty to solve all of their management problems. This has created unnecessary difficulties for and undue burdens on HAD; and

(h) While HAD has to achieve efficiency savings under Government's economy drive, it must not allow its services to slip or deteriorate. To this end, HAD must re-examine its roles, re-adjust its priorities and re-deploy its resources.

Recommendations

28. Against this background, The Ombudsman makes the following recommendations to HAD and the Administration -

HAD

Staff Deployment

(a) To critically review its staff complement, in particular the across-the-board deletion of all housing and professional grades posts for building management services (para. 11);

(b) To clarify and publicise the roles of liaison officers and TCOs for a realistic perception and reasonable expectations by owners and OCs (para. 12);

Means of Service Delivery

(c) To upload building management publications onto or provide hyperlink access through the building management website (para. 13);

(d) To enhance the information on the website and allow alternative access by themes (para. 14);

(e) To produce, in collaboration with departments and professional bodies, more checklists for the reference of owners and OCs (para. 15);

(f) To review the needs of BMRC users on a regular basis and extend or revise the opening hours of BMRCs for client convenience (para. 16);

(g) To publicise more widely the pilot mediation scheme provided at BMRCs (para. 17);

(h) To step up training on the legal aspects of BMO for OC members (para. 19);

(i) To critically review and resolve the interface problems between BMCC and CMBS (para. 20);

Support and Control

(j) To expedite the production of staff reference materials under preparation and to expand the FAQs (para. 21);

(k) To refine the staff training and development plan (para. 23);

(l) To consider sponsoring appropriate staff to acquire formal qualification in housing management in order to build up departmental expertise (para. 23);

(m) To devise a set of standard classification of building management themes and sub-themes for consistent reporting of management information (para. 24);

(n) To consider setting up in DOs a network of Client Liaison Groups to tap user feedback and suggestions (para. 25); and

The Administration

(o) To consider designating one single bureau in Government to coordinate the formulation of policies on private building management (para. 26).

Final Remarks

29. Overall, HAD has accepted all recommendations in the report.

\- End -

Office of The Ombudsman

Ref. OMB/DI/110

November 2003

LEGEND OF ABBREVIATIONS

BD	Buildings Department
BMCC	Building Management Coordination Committee
BMIS	Building Management Information System
BMO	Building Management Ordinance
BMRCs	Building Management Resource Centres
BUC	Blitz UBWs Clearance
CMBS	Coordinated Maintenance of Buildings Scheme
D of J	Department of Justice
DBMCT	District Building Management Coordination Team
DBMLT	District Building Management Liaison Team
DC	District Council
DHA	Director of Home Affairs
DMC	District Management Committee
DOs	District Offices
FAQs	Frequently Asked Questions
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HD	Housing Department
HPLB	Housing, Planning and Lands Bureau
HQ	Headquarters
LegCo	Legislative Council
MAC	Mutual Aid Committee
MC	Management Committee
OCs	Owners' Corporations
SARS	Severe Acute Respiratory Syndrome
SBS	Senior Building Surveyor
SGC	Senior Government Counsel
SHA	Secretary for Home Affairs
TCOs	Temporary Community Organisers
UBWs	Unauthorised Building Works

LIST OF TABLES

Table	Title	Paragraph
1	Statistics on the various activities held at BMRCs (April 2000 to March 2003)	3.10
2	Statistics on enquiries answered and advice given at BMRCs (April 2000 to March 2003)	3.13
3	Statistics on advisory sessions conducted by professional bodies at BMRCs (April 2000 to March 2003)	3.15
4	Statistics on publicity and training programmes organised by DOs (April 2001 to March 2003)	3.22
5	Statistics on training courses provided by HAD to Staff (April 2001 to March 2003)	3.26
6	Statistics on the listing and delisting of BMCC target buildings (January 1999 to June 2003)	4.7
7	Findings of the Survey commissioned by the Housing Committee of Sham Shui Po District Council	5.6

LIST OF ANNEXURES

Annex	Title	Paragraph
1	Organisations with which this Office has held discussion	1.5
2	HAD Service Leaflet on BMRCs	3.4
3	HAD Information Materials on Building Management	3.9
4	Reference Materials available at BMRCs	3.10
5	Sitemap of the Building Management Website	3.12
6	Information available in the Database of Private Buildings in Hong Kong	3.12
7	Building Management advice/assistance given and complaints handled by DBMLTs (April 2001 to March 2003)	3.14
8	Meetings/Visits held with Building Management Bodies by DO staff (July 2002 to March 2003)	3.14
9	HAD Performance Indicators for Building Management Services	3.32
10	Findings of the Survey on the services of BMRCs	3.35
11	Survey form for the Building Management Website	3.35
12	Survey form for Building Management Services	3.36
13	Terms of Reference and Composition of BMCC	4.1
14	Selection Criteria for BMCC Target Buildings	4.2
15	Statistics on BMCC Target Buildings (by districts)	4.5
16	Procedural Flowchart on the handling of BMCC Target Buildings	4.6
17	Roles of Different Departments participating in the BMCC	4.6

Annex	Title	Paragraph
18(a)	Organisational chart of Building Management Division of HAD HQ	6.7
18(b)	Organisational chart of a Typical District Office	6.7
19	Generic Building Management Themes	6.28
20	Bureaux and Departments involved in Private Building Management	6.31

1

INTRODUCTION

BACKGROUND

1.1 Over the years, this Office has received complaints from time to time against the Home Affairs Department (HAD) for not providing adequate assistance to property owners or Owners' Corporations (OCs) in managing or maintaining their buildings. In April 2001, Government published the implementation strategy for building safety and timely maintenance. This strategy outlined, *inter alia*, the role and responsibilities of HAD in providing comprehensive support, including advisory and training services, for owners and OCs to facilitate good management and timely maintenance of their buildings.

1.2 In March 2003, this Office completed a direct investigation into how HAD facilitated the formation of OCs. In the course of investigation, this Office noted considerable community concern over the adequacy and effectiveness of the assistance provided by HAD to owners and OCs. In view of this

concern, The Ombudsman decided to conduct a direct investigation under section 7 (1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The Director of Home Affairs (DHA) was notified in early June 2003. A press announcement was issued in early July 2003.

AMBIT

1.3 The ambit of this direct investigation is to examine -

(a) HAD's mechanism for assisting owners and OCs in managing and maintaining their buildings;

(b) the adequacy and effectiveness of such mechanism; and

(c) the scope for review and improvement.

METHODOLOGY

1.4 For this investigation, we have -

(a) studied relevant files, papers, documents, notes of meetings and statistics provided by HAD;

(b) interviewed a number of staff working in Building Management Division of HAD headquarters (HQ), Building Management Resource Centres (BMRCs) and District Building Management Liaison Teams (DBMLTs) of District Offices (DOs);

(c) held discussions with the HAD directorate;

(d) held discussions with senior officials and frontline staff of Government departments working closely with HAD over the provision of relevant services;

(e) held discussions with professional bodies and professionals in the private sector;

(f) studied relevant public complaints received by this Office; and

(g) invited views from the general public.

1.5 A list of HAD offices/units, Government departments and professional bodies with which we have held discussions is at **Annex 1**.

REPORT

1.6 The draft investigation report was sent to HAD and Home Affairs Bureau (HAB) for comments on 29 October 2003. This final report, incorporating the comments of HAD/HAB and those from relevant Government departments, was issued on 11 November 2003.

2

HISTORICAL OVERVIEW

GENERAL

2.1 Building management and maintenance have long been recognised by Government and the community to be the responsibility of property owners. Since the 1970's, Government has devoted much efforts to help owners/occupiers in good building management. Initially, this was by promotion and establishment of Mutual Aid Committees (MACs), and then Incorporated Owners, through the City District Offices (now District Offices) of HAD.

2.2 In 1970, the Multi-storey Buildings (Owners Incorporation) Ordinance was enacted to facilitate the incorporation of owners of flats in buildings and to provide for the management of buildings. The Ordinance was extensively amended in 1993 to keep pace with changing circumstances and was renamed as the Building Management Ordinance (BMO). The Ordinance was amended in 1998 and 2000 to further facilitate the formation and operation of OCs. The authority for the

Ordinance is the Secretary for Home Affairs (SHA) with HAD as the executive agent.

2.3 As at June 2003, there are approximately 38,200 multi-storey private buildings in the territory. Of these, 13,800 buildings have OCs formed, 3,100 have MACs, 3,700 have Owners' Committees and 6,400 have other form of residents' organisations. The remaining 11,200 buildings do not have any form of residents' organisations.

A COMPREHENSIVE STRATEGY

2.4 In April 2001, Government announced the plan for implementing a comprehensive strategy for building safety and timely maintenance. This included measures for encouraging and improving building management :

Immediately

- To expand HAD HQ for better coordination and for dedicated support services for district frontline staff;
- To re-constitute outreach teams in DOs;
- To enhance assistance to owners and OCs in

response to enquiries and for mediation over disputes;

- To strengthen training for owners and OC members;
- To better equip staff with training for services to owners and OCs;
- To open more BMRCs;

Longer-term

- To empower OCs to take out loans under the Building Safety Loan Scheme; and
- To legislate for registration of property management companies.

SHA'S SPEECH IN THE LEGISLATIVE COUNCIL, MAY 2001

2.5 In the Legislative Council (LegCo) Motion Debate on "Assisting Owners' Corporations and Mutual Aid Committees to Operate" in May 2001, the then SHA made it clear that the responsibility for managing and maintaining private property rests with the owners. The role of Government in private building management is to encourage the formation of OCs and to give them advice and assistance.

2.6 To this end, Government adopted a three-pronged approach to strengthen support to OCs :

- to provide a legal framework conducive to the formation and operation of OCs;
- to provide more professional advice, more comprehensive and more accessible services to owners and OCs; and
- to provide training for OC members.

Additional recurrent expenditure of $43.9M per annum were allocated to HAD for creation of some 90 extra posts for this purpose.

POLICY OBJECTIVES AND AGENDA

2.7 In the HAB Policy Objective Booklet for Building Management published in October 2001, SHA clearly set out Government's policy to help property owners to help themselves. The Booklet reiterated Government's three-pronged approach (para. 2.6) and pledged to continue to assist owners to form OCs for managing their own buildings.

2.8 The HAB Policy Agenda Booklet published in January 2003 reaffirmed Government's commitment to enhancing management and maintenance of private buildings. SHA pledged to continue to proactively provide advice and services on building management issues.

PROPOSED AMENDMENTS TO THE ORDINANCE

2.9 For better management of private buildings, Government proposed further amendments to the BMO in May 2003 for public consultation. These aim at facilitating OCs in the performance of their duties and exercise of powers, rationalising the procedures for appointment of Management Committee (MC) and its members and providing better protection for the interests of owners. Public consultation on the proposed amendments has just been completed and Government is preparing a Bill for introduction to LegCo in the 2004/05 legislative year.

TEAM CLEAN

2.10 In the wake of the outbreak of the Severe Acute

Respiratory Syndrome (SARS), Government set up Team Clean in May 2003 to formulate strategies and plans for improving environmental hygiene in the territory. The Team, headed by the Chief Secretary for Administration, published its report in August 2003. The report reveals that there are still some 8,000 buildings, mainly old tenements, which do not have any form of management either by owners or by management companies. Team Clean considers that there appears to be a strong case for mandatory formation of OCs and mandatory appointment of property managers in order to improve the management and hygiene conditions of private buildings. The Housing, Planning and Lands Bureau (HPLB) was tasked by Team Clean to follow up on these proposals.

2.11 To strengthen coordination among Government departments in dealing with district hygiene problems, Team Clean calls for an empowered district administration whereby District Management Committees (DMCs) would coordinate the provision of hygiene services and facilities at district level and DOs in close liaison with residents and Government departments. Where problems arise which cannot be resolved at the district level, or which require possible change of policies that carry cross-bureau or cross-sectoral implications, the DOs concerned would, in consultation with

HAD HQ, promptly notify the relevant Heads of Departments, Permanent Secretaries and Principal Officials. These clearly place on HAD a greater responsibility for private building management with implications for delivery of services and deployment of resources.

3

MEANS AND MECHANISM

GENERAL

3.1 This Chapter describes HAD's organisational set-up and staff deployment, the means and mechanism for assisting owners and OCs and support to and control over district frontline staff.

ORGANISATIONAL SET-UP AND STAFF DEPLOYMENT

3.2 Until June 2001, HAD HQ has no dedicated division responsible for building management matters. District Building Management Coordination Teams (DBMCTs), staffed by housing grade staff seconded from Housing Department (HD), were set up in 15 districts to assist owners/OCs of selected buildings in resolving building management and maintenance problems. The vast majority of other buildings were looked after by liaison grade staff and part-time Temporary Community Organisers (TCOs) performing both community liaison and

building management duties within their precincts. Central support for district frontline staff, such as professional advisory service and training, was limited. With Government's strategy of April 2001, HAD has been allocated additional resources from 2001/02 for dedicated staff at HQ and in districts for the three-pronged approach (para. 2.7) to support owners and OCs. This has brought about significant changes in both the organisational set-up and staff deployment for building management services.

Organisational Set-up

3.3 At **HQ level**, HAD set up in June 2001 a dedicated Building Management Division (Division IV) for planning and coordinating building management matters, supporting and monitoring district building management services.

3.4 At **regional level**, HAD has set up four BMRCs to serve Hong Kong Island, Kowloon, New Territories East and New Territories West [1] respectively. These Centres provide information, answer enquiries, offer advice and organise training courses, workshops and exhibitions on building management. With the assistance of professional bodies, BMRCs

[1] Two BMRCs in Yamatei and Central, have been in operation since May 1998 and February 2000. The other two, in Tsuen Wan and Shatin, were set up in June 2001 and February 2003.

arrange appointments for free expert advice by volunteer members of these bodies upon the request of owners and OCs. An HAD leaflet on the services, locations and opening hours of the BMRCs is at **Annex 2**.

3.5 At **district level**, HAD has set up by phases DBMLTs[2] in 18 districts, between late 2001 and early 2002, to replace DBMCTs in frontline work related to building management. These teams assist owners to form OCs, provide proactive and outreaching support to owners and OCs, offer advice at OC/MC meetings when invited, organise publicity and training programmes, handle complaints and help resolve building management disputes. They also help owners/OCs of selected buildings to improve their management and maintenance and assist other Government departments in conducting large-scale activities on building and fire safety improvement.

Staff Deployment

3.6 The Building Management Division in HAD HQ, headed by an Assistant Director, is manned by liaison and housing grades staff. To strengthen the professional support to HQ, a Senior Building Surveyor (SBS) and a Senior Government Counsel

---

[2] DBMLTs were formed by combining the housing grade staff in DBMCTs with liaison grade staff dedicated to building management. DBMCTs were disbanded upon the formation of DBMLTs.

(SGC) post were created in March and November 2002 respectively, *inter alia*, to provide expert advice, prepare reference materials and offer advice on training plans and programmes.

3.7 BMRCs and DBMLTs are manned by liaison and housing grades officers. The DBMLTs continue to have the support of TCOs as well as other contract and part-time staff, numbers varying according to district needs and workload. The 18 DBMLTs are grouped into four categories (A to D) on the basis of their building profile and workload.

MEANS OF SERVICE DELIVERY

3.8 HAD assists owners and OCs by providing information, answering enquiries and offering advice, providing proactive assistance, handling complaints and resolving disputes as well as organising publicity and training programmes.

Information

3.9 HAD HQ has produced a number of booklets, pamphlets, checklists, video tapes and VCDs on building management for public information, a list of which is at **Annex 3**. These

materials are available free at BMRCs and public enquiry service centres of DOs. These venues also help distribute building management pamphlets produced by other Government departments.

3.10 BMRCs have a good collection of reference materials on private building management for public viewing (a list of these materials is at **Annex 4**). Statistics on the various activities held at BMRCs between April 2000 and March 2003 are given in the following table :

Table 1

Year / Activity	**2000/01**	**2001/02**	**2002/03**
No. of enquiries answered and/or advice given	20 666	31 553	38 746
No. of visitors	20 773	32 321	35 222
No. of Government departments' pamphlets distributed	137 398	218 043	205 935
No. of appointments for interview with professional bodies	195	224	254
No. of courses/talks/ workshops organised for members of the public	22	32	36
No. of participants in these courses/talks/ workshops	893	1 036	1 389

Source : HAD

3.11 To facilitate readers, BMRCs have catalogued district building management publications such as handbooks, bulletins, newsletters and District Star newspapers as follows :

Type A - Powers and Duties of OCs

Type B - Building Management and Repairs

Type C - Financial Management of OCs

Type D - Selection of Management Companies

3.12 In December 2001, HAD set up a website on the Internet dedicated to a variety of information on building management, related HAD services, publicity and training programmes (sitemap at **Annex 5**). The website is updated on a regular monthly basis and whenever necessary. In March 2002, HAD released on the website a database of basic information of all private buildings in Hong Kong (information available on the database at **Annex 6**). The average monthly hit-rates of the website and the database during the period July 2002 to June 2003 were 5,233 and 830 respectively.

Advice

By HAD Staff

3.13 The four BMRCs answer public enquiries and give general advice on building management matters. Statistics on enquiries answered and advice given at the BMRCs between April 2000 and March 2003 are given in the table below :

Table 2

Nature	**No. of Enquiries answered and advice given**
Financial Matters	3 997
Formation Procedure of OC	3 626
Building Maintenance	5 310
Unauthorized Building Works	1 390
Security	1 072
Manager/OC/MAC/MC	8 888
Provisions of DMC/BMO	27 419
BMRCs	27 993
Fire Safety	569
Water Seepage	1 701
Tribunal	2 167
Work of other Government Departments	1 613
Code of Practice	3 477
Keeping Cats/Dogs	58
Dangerous Slopes	73
Advertising Signs	209
Disputes	722
Insurance	26
Employment	623
Miscellaneous	32
Total	**90 965**

Source : HAD

3.14 The DBMLTs answer enquiries, give advice and assistance on building management matters to owners and OCs.

When invited, they attend OC/MC meetings to offer advice/ assistance as necessary. Statistics on advice/assistance given and meetings held with or visits to building management bodies are at **Annex 7** and **8** respectively.

By Professional Bodies

3.15 HAD has arranged with nine professional bodies to provide free advisory services at BMRCs. Statistics on advisory sessions conducted by different professional bodies between April 2000 and March 2003 is given in the table below :

Table 3

Name of Professional Body	**2000/01**	**2001/02**	**2002/03**
The Law Society of Hong Kong	171	207	231
The Hong Kong Institute of Surveyors	8	11	10
The Hong Kong Institute of Architects	7	0	0
Hong Kong Society of Accountants	4	2	5
The Hong Kong Association of Property Management Companies	2	3	3
Hong Kong Institution of Engineers	2	1	2
The Hong Kong Institute of Housing	1	0	0
Hong Kong Mediation Council*	-	-	2
Hong Kong Mediation Centre*	-	-	1
Total	**195**	**224**	**254**

* Pilot scheme mid September 2002

Source : HAD

Requests for legal advice are in greatest demand : 609 (or

90.5%) out of 673 appointments were for legal advice provided by the Law Society of Hong Kong.

Proactive Assistance

3.16 HAD assists owners and OCs of buildings with problems through Building Management Coordination Committees (BMCCs) chaired by District Officers and attended by representatives from various Government departments with responsibilities for enforcing building management-related legislation. HAD also assists owners and OCs of buildings subject to advisory or warning letters, statutory orders/directions/notices or targets of large-scale operations of Government departments. HAD's roles and responsibilities in the BMCCs and its assistance to owners and OCs of buildings with management and maintenance problems will be described in more detail in Chapter 4.

Complaint Handling and Dispute Resolution

3.17 DBMLTs handle building management complaints in their districts. These usually allege malpractices and wrong-doings; disputes from conflict of interests among owners, tenants, MCs, OCs, MACs or management companies and some are against HAD staff. Statistics on building management

complaints handled by DBMLTs between April 2001 and March 2003 are at **Annex 7**.

3.18 In dealing with such complaints or disputes, HAD staff often attempt to mediate and persuade disputing parties to sit together for discussion to resolve matters rationally and reasonably. HAD staff remain impartial and refrain from arbitrating, or policing, over the disputes as the department has no mandate to adjudicate. HAD staff performing mediation are not accredited mediators and their efforts are informal.

3.19 Since mid-2002, HAD has secured the assistance of the Hong Kong Mediation Council and Hong Kong Mediation Centre in running mediation workshops and conducting free mediation sessions for members of the public at the BMRCs under a pilot scheme. As at 30 September 2003, six workshops and four mediation sessions have been held.

Publicity and Training

3.20 HAD promotes good building management through a variety of channels :

- pamphlets and posters distributed through BMRCs

and DOs

- APIs on TV, radio, newspapers and other advertising media
- TV and radio dramas and newspaper articles
- roving exhibitions, roadshows and carnivals
- loan of exhibition panels to interested parties

3.21 Some DOs hold regular tea receptions for OC members to share experience on building management and maintenance. A few DOs have organised "The Best OC Award" to give due recognition to OCs of well-managed buildings. HAD HQ hosted a reception in March 2003 where OCs nominated by DOs received words of appreciation from senior officials in recognition of their good work in building management.

3.22 HAD organises regular courses, talks, workshops, visits, briefings, discussion sessions and seminars on building management. These programmes usually target at four groups :

- Members of newly formed OCs;
- Experienced OC members;
- Property owners in general; and
- Advocates of building management, notably

District Council (DC) members.

Statistics on publicity and training programmes organised by DOs between April 2001 and March 2003 are given in the table below :

Table 4

Activity	2001/02		2002/03	
	No. of Event	No. of Attendees	No. of Event	No. of Attendees
Seminars	29	4 080	40	4 706
Training Courses	27	2 301	44	7 900
Talks	33	5 438	27	8 662
Workshops	6	627	19	722
Discussion Meetings	24	996	102	2 857
Visits	45	2 133	44	1 556
Exhibitions	38	43 145	40	23 292
Fire Drills	110	20 090	128	19 611
Others	64	71 798	105	123 229
Total	**376**	**150 608**	**549**	**192 535**

Source : HAD

SUPPORT AND CONTROL

3.23 HAD supports district frontline staff by producing handy reference materials, advising on difficult cases and organising training to enhance staff knowledge and skills. To exercise control over the delivery of services, HAD sets up management systems, procedures and performance indicators, holds regular staff meetings and conducts regular service reviews.

Staff Advisory Service

3.24 To assist frontline staff, HAD HQ has produced the following documents for staff reference :

- two operational manuals on building management for housing and liaison grade staff respectively;
- one set of "Frequently Asked Questions (FAQ) on the BMO" with ready answers on the formation and operation of OCs/MCs drawn mainly from legal advice by the Department of Justice (D of J) or Court judgments; and
- an information handbook for TCOs.

3.25 When frontline staff come across complicated enquiries or problems on building management which they have difficulties in handling, they may seek advice from BMRCs and HAD HQ. If they need urgent advice after office hours, they may approach BMRCs. Where staff need clarification on policy or legal issues, HAD HQ offers advice and, if necessary, consults HAB or D of J. Staff are informed of these arrangements at induction courses, training courses and divisional meetings.

Staff Training

3.26 HAD provides the following building management training for staff :

Basic Training

- basic building management knowledge for new recruits at induction courses (one day);
- courses for officers newly transferred or earmarked for building management duties (three days); and
- legal aspects of multi-storey building management (Part I) (15 half-day sessions).

Advanced Training

- legal aspects of multi-storey building management (Part II) (16 half-day sessions); and
- skills for negotiation, interpersonal relations, communication, complaint handling and mediation.

Supplementary Training

- Saturday workshops for experience sharing or on specific topics delivered by representatives from Government departments or professional bodies, or professionals in private practice; and
- courses for TCOs (one-day).

The table below shows statistics on relevant training courses provided by HAD to staff from April 2001 to March 2003 :

Table 5

Course Type	Duration (hrs)	2001/02		2002/03	
		No. of Classes	No. of Attendees	No. of Classes	No. of Attendees
Building Management Training at Induction Course	6.5	1	24	3	51
Training Course for DBMLT staff	22.0	1	21	2	51
Legal Aspects of Multi-storey Building Management (Part I)	37.5	1	33	1	35
Legal Aspects of Multi-storey Building Management (Part II)	40.0	-	-	1	45
Experience - sharing Workshops	2.5	4	713	5	329
Saturday Workshop on Building Management	2.5	1	112	6	372
Training Course for TCOs	2.0	-	-	2	428
Training Course in Mediation Practice	27.0	-	-	1	45
BMO Briefing	2.5	1	144	1	81
NETg On-line Training	40.0	1	115	-	-

Source : HAD

3.27 HAD has also dedicated a section on building management in its web-based E-learning Resource Centre[3]. On-line programmes are organised for staff from time to time.

Systems and Procedures

Guidelines and Procedures

3.28 The two operational manuals on building management for liaison and housing grades staff respectively (para. 3.24) contain various guidelines and procedures, including :

- administrative guidelines on the formation of an Approved Association under s.15 of the BMO;
- classification and selection criteria for target buildings under the BMCC scheme;
- procedures, documents, reports and flowchart for handling BMCC target buildings;
- points to note in planning and organising a building management function;
- procedures for recovery of arrears by OCs;
- procedures in handling building management

[3] Access to the web-based E-learning Resource Centre is restricted to HAD staff.

complaints; and

- meeting procedures for OCs/MCs.

Management Information Systems

3.29 HAD developed the computerised Building Management Information System (BMIS) in two phases. Phase I included the database of private buildings in Hong Kong for public reference (para. 3.12) while Phase II included more detailed information about the buildings for internal reference. DO staff are responsible for collecting and inputting data on the buildings and updating the BMIS. The system can sort, search and generate management information reports.

3.30 DBMLTs are required to submit quarterly statistical returns on building management matters to HAD HQ for consolidation.

Internal Communication

3.31 The Building Management Division of HAD HQ holds regular staff meetings with Liaison Officers in charge of DBMLTs. Chaired by the Chief Liaison Officer in the Division, these meetings help to enhance communication between HAD HQ and

districts and to keep frontline staff abreast of the latest development on building management.

Performance Monitoring

3.32 In mid-2002, HAD devised a set of performance indicators (at **Annex 9**) to monitor the input, output and outcome of its building management services. It also publishes some progress indicators (from January to June 2003) on its website :

- HAD staff paid 13,858 visits to OCs, handled 6,954 enquiries and 535 complaints, and organised 173 educational and publicity activities; and
- BMRCs received 14,881 visitors, handled 18,153 enquiries and processed 115 applications for free professional advice.

Service Reviews

3.33 In May 2002, HAD set up an internal "Working Group on Enhancement of Building Management Services" to review and identify means to improve the full range of building management services. Chaired by a Deputy Director of Home Affairs, it comprises some District Officers and representatives from

Building Management Division of HAD HQ and the 18 DBMLTs. The Working Group has held more than ten meetings and implemented a series of improvement measures since then.

3.34 In late 2002, HAD held four focus group discussions with OC associations, professional bodies and DC Members on its building management services. There was useful exchange of views on the services provided by HAD and suggestions for improvement. A summary of comments made and suggestions raised at these discussions are given at Chapter 5.

3.35 HAD conducts regular user satisfaction surveys for its BMRCs and building management website. The results of the survey on the services of BMRCs conducted between June 2002 and May 2003 are at **Annex 10**. It shows that users were generally satisfied with their services. As for the survey on the website conducted at BMRCs in March/April 2003 (copy at **Annex 11**), a total of 58 responses were received. Over 86% of respondents were satisfied with the website; 91.3% were satisfied with it as a means to communicate with the department; 87.9% found the information useful. Its coverage and user-friendliness were also commended. On the other hand, some 13.8% of respondents were dissatisfied with the rate of update of the information.

3.36 In June 2003, HAD conducted the first comprehensive user satisfaction survey on its building management services. A questionnaire, sample at **Annex 12**, was sent to 1,000 OCs randomly chosen by computer. 177 were completed and returned. Respondents' overall satisfaction rating was 3.46 on a scale of 5. They were most satisfied with the performance of HAD staff (rating : 3.70), followed by their accessibility (rating : 3.63) while they were least satisfied with the clarity of information provided by HAD staff (rating : 3.57). However, the response rate is not sufficient for these findings to be particularly meaningful.

3.37 HAD also collects feedback and comments on its services from the mass media and from LegCo Members, DC Members, Area Committee Members, political parties, professional bodies, MCs, OCs, MACs, owners, residents and building management companies through correspondence, personal contacts, seminars and workshops.

4

PROACTIVE ASSISTANCE TO BUILDINGS WITH PROBLEMS

BUILDING MANAGEMENT COORDINATION COMMITTEES

Background

4.1 To improve the management of private buildings through coordinating the efforts of relevant Government departments, the then City and New Territories Administration (predecessor of HAD) has since 1985 set up by phases DBMCTs (later become DBMLTs) in a number of districts to assist owners/OCs of selected buildings (called "BMCC target buildings") in resolving their management and maintenance problems. Correspondingly, BMCCs were formed in these districts to identify and to coordinate inter-departmental efforts in resolving management problems in these buildings. The BMCC would also act as local advisory body and forum for participating departments to exchange views on building management problems in the district. The terms of reference and composition of BMCC are at **Annex 13**. Over the years, BMCCs

were formed in 14 districts[4].

Listing and Delisting Criteria

4.2 Before late 2000, BMCCs identified target buildings on the basis of the criteria at **Annex 14**. In practice, HAD took into account the willingness of the building management body concerned to cooperate with Government in taking up its responsibility to improve its management and maintenance. In late 2000, the Buildings Department (BD) introduced the Coordinated Maintenance of Buildings Scheme (CMBS) with the aim of providing better coordinated support to owners and OCs in tackling their building management and maintenance problems. In early 2001, HAD agreed with BD to categorise BMCC target buildings into three types, namely :

Type A - CMBS target buildings and buildings identified to pose potential risk to life and limb

Type B - Existing BMCC target buildings

Type C - Buildings notified to HAD for coordinated

[4] There are no BMCC in Sha Tin, Islands, Sai Kung and North Districts

action by Government departments but not posing immediate danger.

4.3 Type A buildings are included in the CMBS, blitz clearance of unauthorised building works (UBWs) or other large-scale BD operations. They are dealt with in accordance with the relevant policies and procedures.

4.4 Type B buildings are further divided into List A and B. List A are those surveyed by BD while List B are those yet to be surveyed. Type B buildings are dealt with by HAD in accordance with the BMCC mechanism described below. In time, Type B buildings may be upgraded to A and those in Type C may progress to B.

4.5 As at 30 September 2003, there were 872 BMCC target buildings on the action list, 480 (55%) being Type A and 392 (45%) being Type B. A breakdown of these 872 BMCC target buildings by districts is at **Annex 15**.

Mode of Operation

4.6 DBMLT first identifies target buildings which meet the selection criteria (Annex 14) and puts up the list to BMCC

for endorsement. Once endorsed, DBMLT would conduct detailed survey on the defects and problems of these buildings. When the BMCC agreed on the defect/problem list, DBMLT would send advisory letters to the management bodies of these buildings and offer advice as necessary. In parallel, participating departments would take advisory or enforcement actions as appropriate. Problems encountered and progress made would be discussed at the BMCC. Target buildings which have made substantial improvement and complied with statutory requirements would be deleted from the action list upon the agreement of all participating departments in BMCC. A procedural flowchart showing the main steps involved is at **Annex 16**. The roles of different departments participating in BMCC are summarised at **Annex 17**.

Achievement

4.7 As at 31 March 2003, 1,635 buildings were selected by the BMCCs, of which 734 (45%) have been improved and delisted while 901 (55%) remain on the action list. Statistics on target buildings listed and delisted during the period January 1999 to June 2003 are given in the following table :

Table 6

Year	No. of TBs* at the start of the year (a)	No. of TBs* listed during the year (b)	No. of TBs* delisted during the year (c)	No. of TBs* at the end of the year (d)#
1999	721	126	34	813
2000	813	107	20	900
2001	900	73	26	947
2002	947	78	86	939
2003 (first 6 months)	939	18	62	895

* TB : target buildings   # (d) = (a) + (b) - (c)

Source : HAD

OTHER PROACTIVE ASSISTANCE TO BUILDINGS WITH PROBLEMS

4.8 From time to time, Government departments issue advisory/warning letters, serve statutory orders/directions/ notices or take prosecution actions against owners/OCs of buildings which fail to meet statutory requirements for

building management and maintenance. There include buildings selected by BD for CMBS and Blitz UBWs clearance (BUC) operations as well as commercial buildings specified under the Fire Safety (Commercial Premises) Ordinance, Cap. 502.

4.9 The owners/OCs of these buildings are required to carry out improvement works in order to meet statutory requirements. HAD staff assist by organising meetings of owners/OCs with relevant Government departments, giving advice on appointment of Authorized Persons, tendering procedures and other procedures in order to carry out the works properly, making applications for the Building Safety Loan Scheme and mediating disputes among OCs and owners. Where OCs have not been formed, HAD staff would encourage and assist owners to form one in order to carry out the improvement works properly and to take up the management of their buildings. Thereafter, HAD staff would continue to render assistance and advice to OCs on building management and maintenance matters.

5

COMMUNITY CONCERNS

GENERAL

5.1 As this is a subject of community concern and public interest, we have canvassed the views of professional bodies, examined public complaints and considered public opinions expressed on the subject.

PROFESSIONAL BODIES

5.2 We have discussed with representatives of five professional bodies (a list of which at Annex 1). Their views are summarised below -

(a) HAD has placed emphasis on the formation of OCs but has not given sufficient guidance to OCs for good building management;

(b) Housing grade staff in HAD have been providing

effective building management service since mid 1980's. It is regrettable that they are being returned to HD, in the wake of important issues in building management, e.g. Team Clean and Fire Safety (Buildings) Ordinance, upcoming;

(c) HAD should arrange training on building management for liaison grade staff even though they might not be engaged solely in building management throughout their entire career;

(d) HAD has been making very effective contributions in public consultation, publicity and training in building management; and

(e) There should only be one Government bureau coordinating the policy on building management. At present, there is a fragmentation of responsible bureaux (e.g. HAB, HPLB, Security Bureau), each responsible for specific aspects of building

management. Given that HAB is the statutory authority for BMO, HAB should continue to be the responsible bureau.

FOCUS GROUP DISCUSSIONS

5.3 From late October to early November 2002, HAD HQ held three focus group discussions with representatives of OC associations and professional bodies to solicit their feedback and suggestions on HAD's building management services. The following is a summary of their views -

(a) HAD has emphasised the formation of OCs but has not given adequate support to OCs e.g. HAD staff do not attend all the OC/MC meetings and do not give firm answers to questions raised. Some, however, recognise that HAD is subject to the limits of BMO and may only play a mediatory role;

(b) The standard of HAD staff varies. HAD should strengthen staff training in order that they may competently advise OCs;

(c) HAD staff should as far as possible attend OC/MC meetings more frequently;

(d) DOs should relay common problems and disputes encountered by OCs to BMRCs so that the latter may customise the training and/or seminars for OC members;

(e) HAD should send voluntary professionals to give advice at OC/MC meetings;

(f) HAD should spell out its roles on building management clearly;

(g) HAD should invite members of newly formed OCs to attend training courses;

(h) The contents of training courses/workshops/ seminars should be updated regularly in order to attract more owners and OC members to attend; and

(i) HAD should strengthen publicity on the

services provided at BMRCs.

EXCHANGE FORUM

5.4 In mid-November 2002, HAD HQ held an exchange forum with representatives of DCs and professional bodies to solicit their views and feedback on the proposed amendments to the BMO and the building management services provided by HAD. The following views were expressed by members at the forum -

(a) Formation of OCs is only a starting point for good building management. HAD should attach equal importance to providing building management training to owners. The ultimate aim is to equip owners with the necessary knowledge and skills to manage their buildings properly;

(b) HAD should strengthen the training of frontline staff, in particular TCOs;

(c) The opening hours of BMRCs should be revised to cover evenings and weekends. These

Centres should also be made available for OC/MC meetings;

(d) Government should monitor the service of property management companies through legislative and administrative means;

(e) Legislation to allow OCs to take out loans for building safety should be introduced as soon as possible; and

(f) HAD should take a more proactive role in assisting OCs with maintenance problems.

A STUDY ON SUPPORT TO OCs

5.5 In December 2001, the Housing Committee of the Sham Shui Po District Council commissioned a study on Government support to OCs, with special reference to the Sham Shui Po District. The study included questionnaire surveys and focus group discussions on various building management services provided by HAD, such as attendance at OC/MC meetings, advice to OCs, publicity/education programmes and BMRC services.

5.6 The study covered all of the 547 OCs in the district at the time, about 70% of which were OCs of single block buildings. A total of 129 (or 24%) questionnaires were completed and returned. The findings of the surveys are summarised in the following table :

Table 7

Type of Service	**Adequate (%)**	**Normal (%)**	**Inadequate (%)**	**Don't know/ No comments/ NA (%)**
Attendance at AGMs or EGMs of OCs	34.1	20.9	31.8	13.2
Advice and assistance to OCs coming up with problems	23.3	31.8	34.1	10.9
Organising training courses, workshops or seminars	27.9	36.4	20.2	15.5
Promoting public awareness and publicity	32.6	42.6	17.1	7.8

AGMs : Annual General Meetings EGMs : Emergency General Meetings

Source : Survey Report commissioned by the Housing Committee of the Sham Shui Po District Council

5.7 Based on the findings, the study considered that, whilst the attendance rate of HAD staff at OC meetings and publicity and training for OCs were generally adequate, their service to OCs with problems was below expectation. Specifically, the study considered that -

(a) some HAD staff were not conversant with the provisions of the BMO, resulting in their inability to offer sound advice to OCs;

(b) some HAD staff gave last minute notice on their inability to attend OC/MC meetings; and

(c) the "one-off" free legal advice to OCs at the BMRCs was insufficient.

5.8 In response, HAD explained that staff attending OC/MC meetings would endeavour to settle disputes and to give advice. However, the staff were not in a position to arbitrate or to involve too heavily in the management of OCs/MCs.

5.9 Although the survey was conducted two years ago and concerned only one district, we believe that the findings and

observations in this study are useful reference for HAD, in particular for districts with large number of single-block private buildings.

PUBLIC COMPLAINTS

5.10 This Office has in the past three years handled 14 complaints against HAD on various building management issues, ranging from building maintenance to election procedures for OCs/MCs. The allegations were mainly concerned with -

(a) inappropriate advice given by HAD staff at OC/MC meetings;

(b) incompetence of HAD staff attending these meetings; and

(c) the attitude of HAD staff.

Whilst only a small percentage of these complaints was substantiated, they represent common concern of owners and OCs with HAD building management services.

PUBLIC SUBMISSIONS

5.11 This Office has received three public submissions from individuals in relation to this direct investigation. One submission expresses dissatisfaction with HAD in the settlement of a dispute between an individual owner and his OC. The second submission states that the level of HAD services in building management is not commensurate with the extra resources given to it since 2001/02. Specifically, it criticises HAD for lacking proactivity in helping OCs to solve building management problems or to exercise its statutory authority under the BMO. It also queries the wisdom of returning housing grade staff to HD and of deploying TCOs to attend OC/MC meetings. It further alleges that most liaison officers in HAD lack interest in building management work. The third submission considers that owners have the primary responsibility to manage their buildings properly. It points out that the role of HAD is to assist, but not to replace, owners in managing their own buildings.

6

OBSERVATIONS AND OPINIONS

GENERAL

6.1 Given the vast number of private buildings, the diversity of property owners and the complexity of building management matters, HAD has a truly mammoth task in providing support to owners and OCs. Over the decades, Government has enhanced resources and legislative backing to improve such services, culminating in the Building Management (Amendment) Ordinance 2000 and the comprehensive strategy of April 2001. These proactive steps and positive strategies have raised public expectations with bright promises of a major move for improvement. Regrettably, in less than three years, the strides forward have staggered almost to a faltering halt – due in part to Government's economy drive. Ironically, SARS has brought some blessings : Team Clean in the aftermath of the outbreak has indirectly helped to maintain something of the momentum in promoting cooperative building management services.

STAFF DEPLOYMENT

Departure of Housing Grade Staff

6.2 In late 2002 to early 2003, HAD reviewed the overall staffing requirement for building management services. According to the department, the review has taken into account such factors as the transfer of experience from housing to liaison grade staff over the years, the change in operational needs of DOs, the financial stringencies of the time as well as the manpower shortage of senior housing grade staff in HD following implementation of the Voluntary Departure Scheme. In March 2003, HAD and HD mutually agreed to delete all 78 housing grade posts in HAD by phases over a period of four years, from 2002/03 to 2005/06 and return the staff to HD. By 1 October 2003, 37 housing grade posts have been deleted[5]. The remaining 41 posts are scheduled for deletion by phases from October 2003 to March 2006[6]. HAD has reshuffled the duties of the remaining staff and recruited contract liaison officers[7] to make up for the loss.

---

[5] Included one post of Senior Housing Manager (SHM) in HAD HQ, all 16 posts of Housing Manager (HM), 15 posts of Assistant Housing Manager (AHM) and 5 posts of Housing Officer (HO).
[6] 13 posts of AHM to be deleted by the end of 2003 and 28 posts of HO to be deleted by phases starting 2004.
[7] As at 29 September 2003, 45 contract liaison officers were recruited and 16 were deployed to perform building management duties.

6.3 We wonder, however, if "the loss", both in training and experience, can really be made good by these make-shift measures. The housing grade staff seconded to HAD, mostly qualified housing managers, have been properly trained and are specialised in housing management. They have the knowledge and experience in advising owners and OCs on building management and maintenance matters. Their departure dilutes such expertise in HAD and inevitably affects the quality of services. The remaining staff are mainly liaison and executive by training and in experience. The recruitment of contract liaison officers, even with enlisting of more volunteer professionals, cannot compensate for the heavy loss of building management knowledge and expertise that had accumulated in HAD over the past two decades. The extra resources allocated to HAD for implementation of Government's strategy of April 2001 was for 90 posts, 23 of which being housing grade posts. The aim was to make for more professionalism in HAD services to owners and OCs. ***In this context, the decision to delete all housing grade posts in HAD comes to us as a surprise. We question the wisdom of HAD in so doing. We are concerned over its impact on Government's support for private building management.***

Professional Support for Staff

6.4 The SBS and SGC post, created in March and November 2002 respectively for HAD HQ, are intended to provide in-house professional support to frontline staff by, *inter alia*, giving expert advice, compiling reference materials, offering advice on training plans and programmes for owners, OCs and staff.

6.5 After a review, HAD deleted the SBS post in July 2003 and would thereafter approach BD for professional assistance as necessary. During his service with HAD, the SBS was actively involved in organising a series of staff training programmes on building maintenance. These were well received by staff. He was also to prepare a manual on the maintenance of private buildings for staff reference but, unfortunately, had yet to complete it by the time he left the post in July 2003[8]. However, he had not been tasked to develop training plans or programmes to reinforce the knowledge of staff and owners/OCs. HAD has assured us that liaison grade staff in Building Management Division are taking up the SBS's duties for organising staff training and that there is no problem lining up volunteer professionals in private practice to give talks on building maintenance and repairs.

---

[8] Although no longer working on building management matters, the officer is still with HAD on secondment and is expected to complete the manual before the end of the year.

6.6 As for the SGC post for HAD HQ, the incumbent is physically stationed in the Civil Division of D of J. HAD and D of J consider this arrangement more satisfactory due to the need for operational relief for leave, easy access to research materials and staff supervision, which HAD cannot provide. The post was, therefore, transferred to D of J from April 2003. The incumbent has apparently been heavily engaged in advising on the proposals to amend the BMO and on the interpretation and application of its provisions. The SGC has also helped to vet HAD publications, including "How to form an OC and achieve effective building management", and to comment on the indexing of court cases. However, we note that HAD has not tasked the SGC for advice on training plans and programmes for staff or owners/OCs. HAD explained that it has commissioned tertiary educational institutions and professional bodies to organise legal training.

6.7 The organisational charts at **Annex 18** for Building Management Division of HAD HQ and DOs respectively illustrate recent and planned organisational restructuring as a result of the review of staffing requirement for building management services (para. 6.2).

6.8 After close examination of the duties of the SBS and SGC and their delivery, we have the following observations and opinions -

(a) HAD has not fully and gainfully maximised their professional expertise;

(b) The deletion of the SBS post and remote operation of the SGC from D of J have defeated the original purpose of their creation for HAD HQ; and

(c) HAD's action above, seen with its return of housing grade staff, is tantamount to turning the clock back to the pre-2000 era and a partial reversal of Government's strategy of April 2001.

6.9 We appreciate that HAD is required to achieve efficiency savings as with other Government departments. We are, however, mindful that these savings must not result in a deterioration of service standards. HAD must strike a careful balance between the two. ***To this end, HAD should critically review its staff complement, in particular the***

across-the-board deletion of all housing and professional grades posts for building management services.

Deployment of TCOs

6.10 Since the 1970's, TCOs have served in DOs on the more labour-intensive aspects of building management-related duties. These include household visits and surveys, assisting in owners' meetings, disseminating Government information and messages, distributing publications and pamphlets, etc. They also visit owners and OCs on a regular basis to maintain liaison, collect intelligence and identify problems for follow-up by liaison officers. Whenever liaison officers are fully engaged or unavailable, TCOs would attend MC/OC meetings or the like on their behalf. It is evident from Annex 8 that TCOs in fact conduct more meetings and visits with building management bodies than liaison officers.

6.11 Many owners and OCs are under the impression that TCOs are meant to advise them. However, this is not fair to TCOs as they are not trained for advisory services, especially since building management matters have been put under the legislative framework of the BMO and building

management-related legislation have become much more complicated. ***HAD should clarify and publicise the roles of liaison officers and TCOs for a realistic perception and reasonable expectations by owners and OCs.***

MEANS OF SERVICE DELIVERY

Information

6.12 HAD has published a number of booklets on building management (Annex 3). They are supplemented by publications of other departments, notably the Building Maintenance Guidebook produced by BD and the Corruption Prevention Guide on Building Management prepared by the Independent Commission Against Corruption (ICAC), and various district building management handbooks, leaflets and newsletters published by DCs/DOs. Together, they provide comprehensive and practical information for owners and OCs and deserve the widest possible circulation. While these publications are available for viewing at BMRCs, only some are uploaded onto the building management website for online viewing. ***To facilitate readers, HAD should upload them onto or provide hyperlink access through the building management website.***

6.13 We have examined the contents and layout of the building management website. The information contained therein is not sufficiently comprehensive and is organised by types of information (Annex 5), not generic themes such as building safety, fire safety, environmental hygiene. While this layout may be convenient for one purpose, retrieval on a particular building management theme can be difficult and time-consuming. ***For user convenience, HAD should enhance the information on the website and allow alternative access by themes.***

6.14 In collaboration with FSD, HAD has produced a Fire Safety Checklist for use by owners and OCs. ICAC has also produced an Internal Review Checklist and a Corruption Prevention Checklist for Building Maintenance and Improvement Works. These self-help checklists are useful inspection tools to enhance the awareness of owners and OCs to potential problems. ***HAD should, where appropriate, produce more of these checklists (e.g. Building Safety Checklist, Tendering Checklist) in collaboration with relevant departments and professional bodies.***

Advice

6.15 After reviewing the operational needs and manpower, HAD has revised the opening hours of BMRC/Kowloon and enhanced its telephone enquiry and advisory service since April 2003. The opening hours of BMRC/Kowloon are now 10 a.m. to 10 p.m. on weekdays and 10 a.m. to 6:30 p.m. on Saturdays. When the other three BMRCs are closed for the day[9], calls to these Centres are redirected to BMRC/Kowloon for reply. Calls received after closing hours of all BMRCs are recorded for reply the next day. This has improved the user-friendliness of the BMRCs and is a welcome move. ***HAD should continue to review the needs of BMRC users on a regular basis and extend or revise the opening hours of BMRCs when necessary.***

Dispute Resolution

6.16 HAD has, in collaboration with a tertiary educational institution, conducted the first course on mediation practice for staff in early 2003 and will continue to organise similar courses on an annual basis. This helps to enhance staff capability in resolving conflicts and disputes among owners and OCs. To date, only four mediation sessions

---

[9] See Annex 2 for the opening hours of the four BMRCs.

have been held since HAD started the pilot scheme in September 2002. ***HAD should publicise this scheme more widely to encourage more owners and OCs to use this amicable alternative for dispute resolution.***

Publicity and Training

6.17 On HAD's publicity and training strategies and programmes for owners, OC members and the general public (paras. 3.20 to 3.22), we note that HAD has strengthened publicity and training activities considerably over the past year or so. This has been in terms of an increase not only in activities and participants but also in variety. Examples are "The Best OC Award" and the BM workshop for DC members. These events have heightened awareness of the importance of good building management. HAD should be commended for this.

6.18 Although the free legal advisory services provided by the Law Society of Hong Kong at BMRCs are in great demand (para. 3.15), requests for such services can generally be met in a week's time. HAD now provides basic legal knowledge, mainly on the powers and duties of OCs and the basic provisions of the BMO, in the building management courses for OC members. This may not be sufficient for owners and OC members as they

are essentially lay volunteers carrying out their building management responsibilities. ***HAD should reinforce the training on the legal aspects of BMO for OC members. In this respect, the SGC may offer useful advice on training and development strategies, plans and courses.***

Building Management Coordination Committees

6.19 In the early days, BMCC had been an important vehicle for promoting building management and maintenance among selected buildings. However, BMCC could not function effectively, particularly in recent years, due to staff constraints and other competing claims on BD resources, which could action against a limited number of buildings. The situation has improved since BD was allocated more resources from 2001/02. In consultation with DOs, BD reviewed BMCC target buildings on the basis of the criteria for CMBS and selected as many of them for CMBS as possible. 86 BMCC target buildings were delisted in 2002 and 62 in the first six months of 2003 (Table 6). As at 30 September 2003, 872 BMCC target buildings remain on the action list, 213 (24%) of which have been selected for CMBS.

6.20 In the course of our investigation, we found that

HAD has been aware as early as mid-2002 of interface problems arising from the parallel operations of BMCC and CMBS -

(a) Some BMCCs have ceased or reduced nominating target buildings; some BMCCs continued to nominate regardless; others nominated only CMBS target buildings for BMCC;

(b) Some BMCCs delisted target buildings and requested BD to follow up if all other participating departments have completed their action; some BMCCs delisted target buildings once owners had fulfilled their statutory obligations; others delisted target buildings only if all improvement works suggested (but not required) by departments had been completed; and

(c) Some BMCCs focussed their discussion on the progress of BMCC target buildings only; others included CMBS target buildings generally in their agenda.

6.21 The internal Working Group (para. 3.33) discussed

these interface problems in June 2002 but apparently reached no conclusion. HAD HQ subsequently raised these problems with BD on several occasions. However, it was not until July 2003, one year later, that HAD HQ reached agreement with BD on the following -

(a) DOs to cease adding target buildings to BMCCs and should recommend them for inclusion into BD's CMBS instead;

(b) CMBS criteria should apply for delisting BMCC target buildings; and

(c) DOs have the discretion of disbanding the BMCC and setting up a working group under the DMC to monitor the progress of target buildings remaining on the list. For districts with fewer target buildings, monitoring and discussion could be an agenda item of the DMC upon the disbandment of the BMCC.

6.22 These measures have not solved all the interface problems surfacing, e.g. the practice of some DOs to delist target buildings prematurely by side-moving them to BD's action

list (para. 6.20(b)) and the coverage of CMBS target buildings in BMCCs (para. 6.20(c)).

6.23 HAD should have realised the interface problems and worked out solutions with BD at an early stage. However, it took HAD one and a half years to realise the problems and to raise these for discussion at its working group; and a further year to discuss these problems with BD and to work out partial solution. ***In our view, HAD was remiss in these procrastinating tactics. HAD should critically review and resolve the interface problems between BMCC and CMBS as quickly as possible.***

SUPPORT AND CONTROL

Staff Advisory Service

6.24 We understand that compilation of the manual on the maintenance of private buildings and the indexing of building management court cases for staff reference are continuing. ***HAD should expedite the production of these materials.*** The FAQs (para. 3.24) for staff reference have only limited coverage. ***HAD should expand the FAQs to include other common themes. In this respect, the SGC and in-house professionals may***

contribute.

Staff Training

6.25 HAD has stepped up staff training considerably in recent years. This has helped to boost staff confidence in offering advice to owners and OCs. HAD is commended for these efforts.

6.26 HAD's staff training plan sets out the courses for staff at the basic, advanced and supplementary level (para. 3.26). However, it falls short in such aspects as adequate description of core competencies, design of modules for different levels of staff, mapping of curricula and time requirements for different modules. ***HAD should refine its staff training and development plan for building management services.*** In this connection, "in-house" professionals should provide input in the process.

6.27 We note that HAD has commissioned tertiary educational institutions and enlisted the services of volunteer professionals for training staff, owners and OCs. We welcome this approach. ***Moreover, HAD should consider sponsoring appropriate staff to acquire formal qualifications***

in housing management to build up departmental expertise.

Management Information

6.28 In examining the regular statistical returns of BMRCs and DBMLTs to HAD HQ (para. 3.30), we note that HAD has no consistent classification of building management themes in generic terms. For example, the classification of building management enquiries received at BMRCs (Table 2) are quite different from those on building management advice and assistance rendered by DBMLTs to owners and OCs (Annex 7). The absence of a consistent system of classification makes trend analysis difficult, if even feasible. This is not conducive to accurate reporting or useful analysis of management information for service improvement and development. ***HAD should devise a set of standard classification of building management themes and sub-themes for use.*** One such classification, which is neither exhaustive nor authoritative, is at **Annex 19**.

Service Review

6.29 The HAD Working Group (para. 3.33) has made significant contributions in improving its building management

services since it was set up in May 2002. HAD has also been conducting user satisfaction surveys to gauge performance and solicit feedback on different areas of services. These are important tools for service improvement and development. HAD should continue with such positive practices.

6.30 HAD has in late 2002 held a series of focus group discussions with OC associations, professional bodies and DC members (paras 5.3 and 5.4). HAD considers that these discussions to have facilitated better mutual communications and generated useful suggestions. HAD decided to meet with professional bodies every three months for direct collection of their views and with OCs on a regional basis more frequently. ***To further improve this consultation process, HAD should consider setting up in DOs a network of Client Liaison Groups to tap from owners and OCs feedback and suggestions for areas in need of improvement or changes.***

OTHER OBSERVATIONS

6.31 A repeated theme raised by professional bodies during our discussion with them is the fragmentation of policy on private building management and the division of

responsibilities among a number of Government bureaux and departments, each with policy and executive responsibilities for specific but related building management matters. **Annex 20** shows the bureaux and departments involved.

6.32 The situation is further complicated by Team Clean asking HPLB to formulate policy on mandatory formation of OCs and appointment of property management companies. Hitherto, these have been the long acknowledged functions of HAB. ***There are suggestions (para. 5.2(e)) to us that Government should consider designating one single bureau to coordinate the formulation of policies on private building management. We see merit in this suggestion and endorse it for consideration by Government.***

7

CONCLUSIONS AND RECOMMENDATIONS

GENERAL

7.1 Having elaborated in Chapter 6 our observations and opinions on HAD's assistance to owners and OCs, we have come up with some conclusions and recommendations.

CONCLUSIONS

7.2 On the basis of our investigation, we have the following conclusions -

(a) Over the past 30 years, Government has devoted much efforts to promote good building management. In recent years, Government has amended the BMO and drawn up proactive

strategies and positive policies to further facilitate owners and OCs. These intentions and efforts are commendable;

(b) HAD has in recent years put in commendable efforts to promote and support good building management and to organise more training for owners and OCs. However, the department still falls short in providing advice and proactive assistance to owners and OCs;

(c) The deletion of all housing and professional grades posts for building management services has frustrated SHA's policy objectives declared and resourced in 2001;

(d) While HAD should continue to enlist the voluntary services of professional bodies and volunteer professionals in private practice, the department must build up its own building management expertise for service enhancement and legislation reviews;

(e) The proposals to further amend the BMO, the

mandatory formation of OCs, appointment of property management companies and "empowerment" of district administration proposed by Team Clean compound HAD's position by putting additional burden on the department;

(f) In this connection, the proposal in Government's strategy of April 2001 to register property management companies would raise their standards for more professional management and maintenance of private buildings. Government should expedite the implementation of this proposal;

(g) Despite continued publicity and education, there are still owners and OCs who are under the misconception that Government has a duty to solve all of their management problems. This has created unnecessary difficulties for and undue burdens on HAD; and

(h) While HAD has to achieve efficiency savings under Government's economy drive, it must not

allow its services to slip or deteriorate. To this end, HAD must re-examine its roles, re-adjust its priorities and re-deploy its resources.

RECOMMENDATIONS

7.3 Against this background, The Ombudsman makes the following recommendations to HAD and the Administration -

HAD

Staff Deployment

(a) To critically review its staff complement, in particular the deletion of all housing and professional grades posts for building management services (para. 6.9);

(b) To clarify and publicise the roles of liaison officers and TCOs for a realistic perception and reasonable expectations by owners and OCs (para. 6.11);

Means of Service Delivery

(c) To upload building management publications onto or provide hyperlink access through the building management website (para. 6.12);

(d) To enhance the information on the website and allow alternative access by themes (para. 6.13);

(e) To produce, in collaboration with departments and professional bodies, more checklists for the reference of owners and OCs (para. 6.14);

(f) To review the needs of BMRC users on a regular basis and extend or revise the opening hours of BMRCs for client convenience (para. 6.15);

(g) To publicise more widely the pilot mediation scheme provided at BMRCs (para. 6.16);

(h) To step up training on the legal aspects of BMO for OC members (para. 6.18);

(i) To critically review and resolve the interface problems between BMCC and CMBS (para. 6.23);

Support and Control

(j) To expedite the production of staff reference materials under preparation and to expand the FAQs (para. 6.24);

(k) To refine its staff training and development plan (para. 6.26);

(l) To consider sponsoring appropriate staff to acquire formal qualification in housing management (para. 6.27);

(m) To devise a set of standard classification of building management themes and sub-themes for consistent reporting of management information (para. 6.28);

(n) To consider setting up in DOs a network of Client Liaison Groups to tap client feedback and suggestions (para. 6.30); and

The Administration

(o) To consider designating one single bureau in Government to coordinate the formulation of policies on private building management (para. 6.32).

8

FINAL REMARKS

8.1 HAD and relevant Government departments have suggested some factual and textual amendments [10]. We appreciate these suggestions and have, where appropriate, incorporated them into this report. Their comments on the report and our response are given below.

COMMENTS FROM HAD AND OTHER GOVERNMENT DEPARTMENTS

8.2 **HAD** notes our appreciation of its efforts in assisting owners and OCs in the management and maintenance of their buildings. It accepts all our recommendations and will consider how best to implement them.

8.3 **HD** states that whilst the decision on whether to deploy housing grade staff for building management services is a matter for HAD, the department is willing to continue with the secondment arrangements to suit the operational

[10] HAD has provided a joint reply of HAD and HAB.

requirements of HAD.

8.4 **BD** undertakes to select more BMCC buildings for CMBS action and blitz operations. It pledges to continue to cooperate with HAD in improving the management and maintenance of private buildings.

8.5 **FSD** proposes two amendments to para. (iii) of Annex 17 to reflect more accurately the department's role and practice in the BMCC. As Annex 17 is extracted from the operational manual prepared by HAD, FSD's proposed amendments are appended to Annex 17 for consideration by HAD.

8.6 **D of J** reiterates that the current arrangements for stationing the SGC at the Civil Division of the department is necessary and appropriate for the operational reasons stated in para. 6.6. The department further states that it would be happy to assist in the training of owners and OCs on courses organised by HAD.

OUR RESPONSE

8.7 We are pleased that HAD has accepted all our

recommendations. We note HD's willingness to continue to second housing grade staff for the operational needs of HAD. HAD should, therefore, take this into account in reviewing its staff complement for building management services.

EPILOGUE

8.8 HAD should keep this Office informed of progress on the implementation of the recommendations and any major change in policy, procedures or practices. We shall follow up the progress with HAD half-yearly.

8.9 During our investigation, we have received feedback and collected information on another related aspect of HAD building management work : the enforcement of the Building Management Ordinance. This Office will follow up this aspect shortly, probably through another direct investigation.

8.10 In conclusion, we thank HAD for cooperation and assistance throughout our investigation. We are also grateful for the useful views expressed by professional bodies, Government departments and members of the public.

- E N D -

Office of The Ombudsman

Ref. OMB/DI/110

November 2003

ANNEXURES

A List of Organisations with which this Office has held discussion

(A) Home Affairs Department

Headquarters

Building Management Division

Building Management Resource Centre (BMRC)

BMRC (New Territories East)

District Offices

*Category**	*District Office*
A	Central and Western Sham Shui Po Wan Chai Yau Tsim Mong
B	Kwun Tong
C	Wong Tai Sin

(B) Other Government Departments

Buildings Department
Department of Justice
Fire Services Department
Housing Department

(C) Professional Bodies

Hong Kong Association of Property Management Companies
Hong Kong Institute of Housing
Hong Kong Institute of Real Estate Administration
Hong Kong Institute of Surveyors
Law Society of Hong Kong

* Note

Category A are urban districts with predominantly older private buildings and a large number of target buildings.

Category B are urban and extended urban districts with newer private buildings.

Category C are districts with newer private buildings and few target buildings.

大廈管理資源中心

Building Management Resource Centre



資訊
Information



服務
Services



意見
Advice

民政事務總署
Home Affairs Department

大廈管理網站 Building Management Website:
http://www.buildingmgt.gov.hk

Objectives

The Home Affairs Department has established Building Management Resource Centres in Hong Kong, Kowloon, New Territories West and New Territories East to enhance its services on building management. The Centres provide information, services and advice to building owners, residents, Owners' Corporations, Mutual Aid Committees and management bodies so as to assist them in improving the standards of management, safety and maintenance of their buildings.

Services and Facilities

Advice

General advice on building management matters are provided by the Centres' staff.

Free professional advice are provided by members of the following professional bodies by appointments:

- The Law Society of Hong Kong
- Hong Kong Society of Accountants
- The Hong Kong Institute of Surveyors
- The Hong Kong Association of Property Management Companies
- Hong Kong Institution of Engineers
- The Hong Kong Institute of Housing
- The Hong Kong Institute of Architects



Information

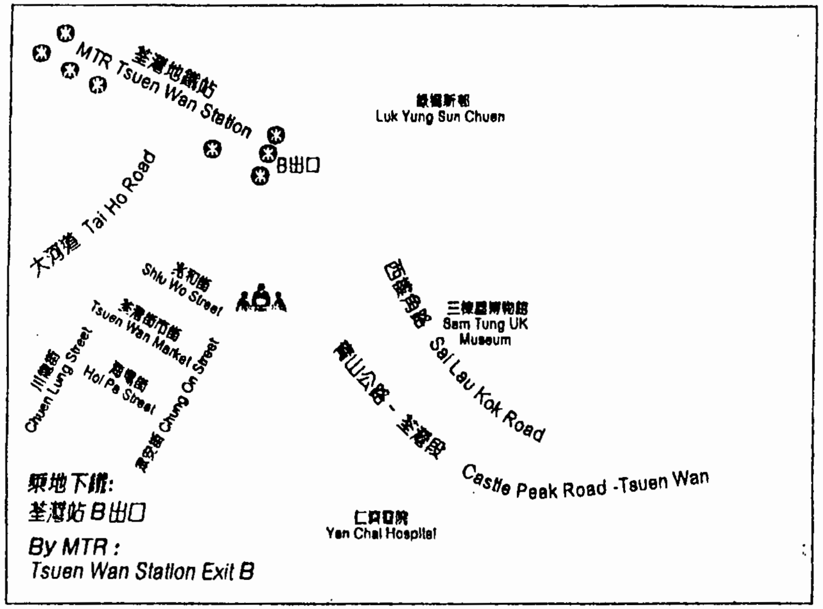
- A wide range of building management-related information is kept in the Centres for users' reference.
- With the assistance of computer-aided equipment and audio-visual installations, visitors can obtain the required information on a self-help basis.
- Uniquely designed exhibition boards are displayed at the Centres to promote building management knowledge.

Services

- Basic mediation will be provided at the Centres but legal arbitration and outreach work will be excluded.
- The Centres launch building management publicity campaigns or assist other government departments in promoting their campaigns related to building management.
- The Centres organise seminars and workshops for the public to promote effective building management.



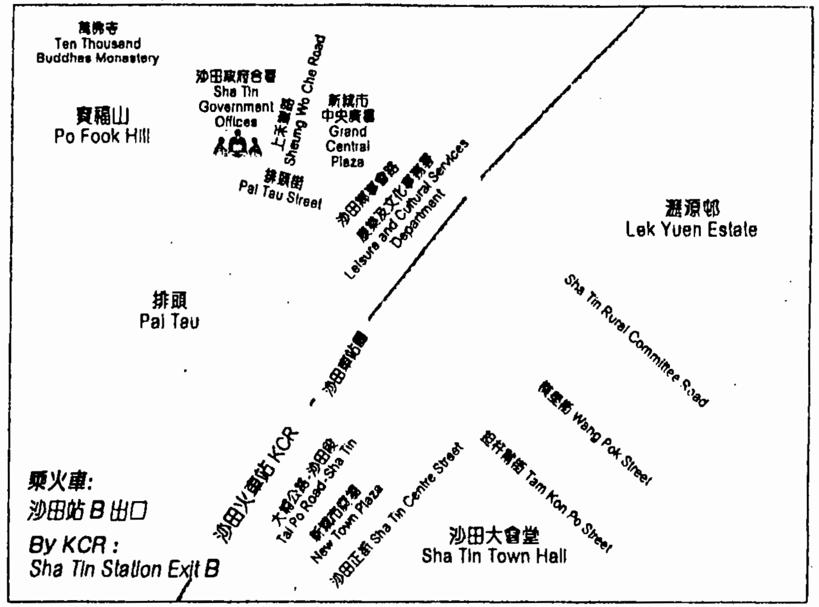
大廈管理資源中心（新界西）
Building Management Resource Centre (New Territories West)



新界荃灣眾安街4號周合成大廈1樓
1/F, Chau Hop Shing Building, 4 Chung On Street,
Tsuen Wan, New Territories
電話 Tel：2614 6272 傳真 Fax：2612 4117
電郵 Email Address: bmrc_ntw@had.gov.hk

開放時間 Opening Hours	星期一、星期三及星期四 Monday, Wednesday and Thursday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期二及星期五 Tuesday and Friday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

大廈管理資源中心（新界東）
Building Management Resource Centre (New Territories East)



新界沙田上禾輋路一號沙田政府合署5樓510室
Room 510, 5/F, Sha Tin Government Offices,
No. 1 Sheung Wo Che Road, Sha Tin, New Territories
電話 Tel：2158 5433 傳真 Fax：3104 1220
電郵 Email Address: bmrc_nte@had.gov.hk

開放時間 Opening Hours	星期二、星期三及星期五 Tuesday, Wednesday and Friday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期一及星期四 Monday and Thursday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

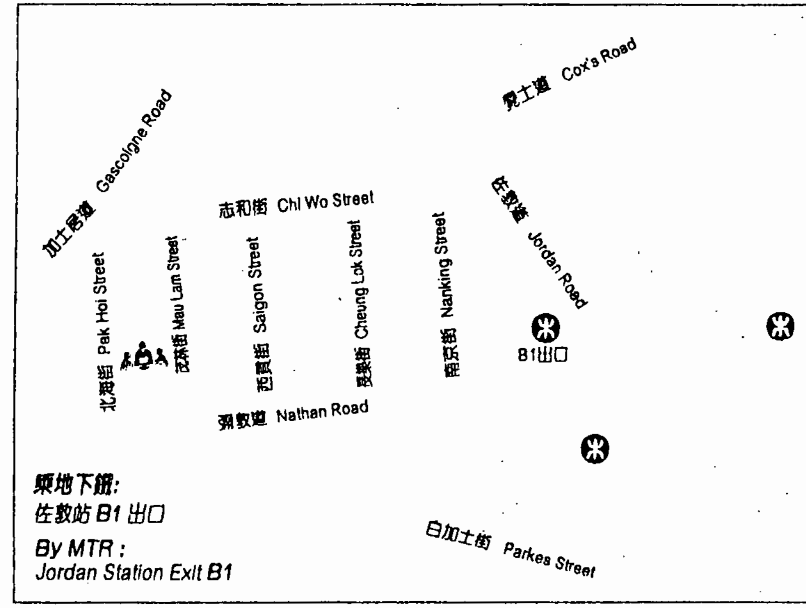
大廈管理資源中心（香港）
Building Management Resource Centre (Hong Kong)



香港中環皇后大道中99號中環中心地下5室
Unit 5, G/F, The Center, 99 Queen's Road Central, Hong Kong
電話Tel: 2186 8111 傳真Fax: 2189 2815
電郵 Email Address: bmrc_hk@had.gov.hk

開放時間 Opening Hours		
	星期一、星期三及星期五 Monday, Wednesday and Friday	上午十時至下午六時三十分 10 am to 6.30 pm
	星期二及星期四 Tuesday and Thursday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午二時 10 am to 2 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

大廈管理資源中心（九龍）
Building Management Resource Centre (Kowloon)



九龍油麻地茂林街2號地下
G/F, 2 Mau Lam Street, Yau Ma Tei, Kowloon
電話Tel: 2332 9113 傳真Fax: 2332 7717
電郵 Email Address: bmrc_kln@had.gov.hk

開放時間 Opening Hours		
	星期一至星期五 Monday to Friday	上午十時至晚上十時 10 am to 10 pm
	星期六 Saturday	上午十時至下午六時三十分 10 am to 6:30 pm
	星期日及公眾假期 Sunday and Public Holiday	休息 Closed

A List of HAD Information Materials on Building Management

Booklets

1. How to form an Owners' Corporation and achieve effective building management

2. Building Management

3. Clean and Effective Building Management – A Guide on Financial Management for Owners' Corporations *

4. 「有效大廈管理」巡迴展覽

Pamphlets

5. Home Affairs Department and Management of Private Buildings

6. Corporate Governance in Building Management

7. Building Management Resource Centre

8. 全城清潔改善私人樓宇衛生

Codes of Practice

9. Code of Practice on Building Management and Maintenance

10. Code of Practice on Procurement of Supplies, Goods and Services

Checklists

11. Fire Safety Checklist

* published jointly by HAD, Independent Commission Against Corruption and Hong Kong Society of Accountants

Note : Information materials with English titles have both English and Chinese versions. Information materials with Chinese titles have only Chinese version.

VCDs / Video Tapes #

12. Building Repairs and Maintenance

13. Building Insurance

14. Role of a Building Caretaker

15. Recovery of Overdue Management Fees and Other Charges

16. Organisation and Responsibilities of a Management Committee

17. Improving Communication between OCs and Owners to achieve Effective Building Management

18. Building Management and Fire Prevention Measures

19. The Way to Improve Building Management

Videos of TV Series on Building Management #

20. Concerted effort brings forth success

21. Before it is too late

22. Insurance against accident

23. After the storm comes a calm

24. Think before you take the advantage

25. What a smart housewife

26. Being an owner is no easy task

27. Working towards a better building management together

Available in Cantonese

Annex 4

A List of Reference Materials available at the Building Management Resource Centres

- Publications from Home Affairs Bureau / Home Affairs Department
- Publications from Other Government Departments
- Publications from Independent Advisory Bodies / Commissions / Councils
- Publications from Professional Bodies
- Directories of Professionals
- Directories of Registered Contractors / Licensed Bodies
- Ordinances
- Case Judgments
- Government Press Releases
- Legislative Council's Questions
- Samples / Forms
- Codes of Practice / Guides / Rules
- Video Tapes
- CD-ROMs / VCDs
- Newspapers Cuttings
- Literature / Books on Building Management
- Others

Source : http://www.buildingmgt.gov.hk/buildingmgt/resource/content1.htm

Sitemap of the Building Management Website
(website: http://www.buildingmgt.gov.hk)

Policy Agenda for Home Affairs Bureau

- Policy Agenda for Home Affairs Bureau

Role and Services

- Purpose and objectives of the dedicated homepage on building management
- Role of Home Affairs Department in private building management
- Support to the owners and Owners' Corporations
- Support for improvement works to buildings
    - Fire Safety Checklist
    - District Fire Safety Committees

Formation of Owners' Corporations

- Services provided by Home Affairs Department in the formation of Owners' Corporations
- Formation procedures of an owners' corporation and Guidance Notes for Applications under Section 3A of the Building Management Ordinance (BMO)
- How to form an Owners' Corporation and achieve effective building management
- A List of newspapers specified by the Secretary for Home Affairs for the purpose of convening a meeting of owners
- Sample Notice of Meeting (PDF format)
- Sample Notice for Publication in a Newspaper (PDF format)
- Sample Proxy Form (PDF format)
- Land Registry Forms
    - Declaration of compliance with the provisions of Section 3, 3A, 4 or 40C and Section 5, 5A or 5B of Building Management Ordinance (PDF format)
    - Application for registration of owners as a corporation under Section 7 (2) of Building Management Ordinance (PDF format)
    - Resolution of a meeting of owners convened under Section 3(1)/3A (1)/40C of Building Management Ordinance (PDF format)

Legislation

- Building Management Ordinance, Chapter 344
- Consultation Paper on Proposed Amendments to the Building Management Ordinance (Cap. 344)
- Building Management (Amendment) Ordinance 2000
- A brief on the Building Management (Amendment) Ordinance 2000
- Code of Practice issued by Secretary for Home Affairs under Section 44 of the Building Management Ordinance
- List of building management agents compiled by Secretary for Home Affairs for purposes of Section 40B(3) of the Building Management Ordinance and published in the Gazette

- A list of newspapers specified by the Secretary for Home Affairs for the purpose of convening a meeting of owners

Reference Materials

- Building Management booklets
- Publications from Building Management seminars by Home Affairs Department Headquarters
- Forms for download by the public
- Building Safety Loan Scheme (Buildings Department)
- List of registered contractors in the fields of building maintenance/repairs, electrical safety and fire safety (Buildings Department / Electrical and Mechanical Services Department / Fire Services Department)
- List of Authorized Persons/Registered Structural Engineers Interested in Providing Services in Building Safety (Buildings Department)
- List of building management agents compiled by Secretary for Home Affairs for purposes of Section 40B(3) of the Building Management Ordinance and published in the Gazette (Home Affairs Bureau)
- Building management related bodies
- Other government bureau and departments

Building Management Resource Centres

- Objectives
- Services and facilities
- Locations and opening hours
- Fourth Building Management Resource Centre opens in Sha Tin
- List of Reference Materials available at the Building Management Resource Centres
- Activities organized by Building Management Rescource Centres

Building Management Bulletin

- Articles on Building Management

What's New

- onsultation Paper on Proposed Amenmdments to the Building Management Ordinance (Cap. 344)
- Information on the Prevention of Atypical Pneumonia
- Information on the Prevention of Dengue Fever
- Speeches
- Press releases
- Legco Questions
- New initiatives
- Activities
- Fourth Building Management Resource Centre opens in Sha Tin

- First Regional Conference on Private Building Management Hong Kong 2002

Comments and Enquiry

- Enquiry Services
- Homepage survey

Database of Private Buildings in Hong Kong

Source : http://www.buildingmgt.gov.hk/buildingmgt/sitemap/content.htm

Information available in the Database of Private Buildings in Hong Kong

Home Affairs Department

Database of Private Buildings in Hong Kong

Search Building | List All Buildings | Help | 繁體中文 | 简体中文 | Text Only

District :	All
Name of Building :	
Name of Estate :	
Name of Street :	
No. of Storeys :	
No. of Units :	
Year Built :	
Age of Building :	
Residents' Organization :	You can choose more than one field ☐ Incorporated Owners ☐ Owners' Committee ☐ Mutual Aid Committee ☐ Others ☐ Without Organization
Building Management Bodies :	You can choose more than one field ☐ Incorporated Owners ☐ Owners' Committee ☐ Mutual Aid Committee ☐ Others ☐ Without Management Body
	Search

Back

Copyright © 2002. Home Affairs Department. All rights reserved.

Disclaimer

Statistics on Building Management Advice/Assistance Given and Complaints Handled by DBMLTs (April 2001 to March 2003)

Problems on Building Management Involving			2001/02		2002/03	
			Complaint	**Advice/ Assistance**	**Complaint**	**Advice/ Assistance**
I.	a)	**Owners' Corporation :** Financial matters (e.g. increase in management fees, queries on expenditure, etc.)	154	1 806	119	1 996
	b) i)	Building maintenance common utilities, cleanliness, major renovation, etc.	295	3 428	362	3 197
	ii)	Statutory Orders & Notices #	NA	NA	50	555
	c)	Security (e.g. man-hour coverage, quality of security guards, etc.)	23	396	18	312
	d)	Allegation against office bearers (e.g. differential treatments, tolerating commercial/industrial activities in residential building & vice versa)	172	1 477	233	1 266
II.	a)	**Owners' Committee, Mutual Aid Committee, Buildings with/w/o Residents' Organisations :** Financial matters (e.g. increase in management fees, queries on expenditure, etc.)	NA	NA	40	412
	b) i)	Building maintenance common utilities, cleanliness, major renovation, etc.	NA	NA	78	938
	ii)	Statutory Orders & Notices #	NA	NA	56	450
	c)	Security (e.g. man-hour coverage, quality of security guards, etc.)	NA	NA	12	101
	d)	Allegation against office bearers (e.g. differential treatments, tolerating commercial/industrial activities in residential building & vice versa)	NA	NA	17	133
III.	a)	**Deed of Mutual Covenant :** Difficulties over interpretation	1	276	6	426
	b) i)	Unfair clauses concerning tenure of initial management company	0	80	0	57
	ii)	delineation of common area	2	133	4	101
	iii)	extent of management company's power	0	69	8	39
	iv)	ineffective owners' committee	3	117	2	67
	v)	unfair apportionment of management fee	1	90	4	110
	vi)	hindrance on the formation of OC	0	75	2	50
	c)	Contravention of DMC provisions	10	229	6	52
IV.		Other Related Problems	148	532	62	2 087
		TOTAL :	**809**	**8 708**	**1 079**	**12 349**

Including Specified Commercial Buildings, Blitz programme, dangerous hillside orders, clearance operations of unauthorized rooftop structures and WR2 inspections.

Source : HAD

Statistics on Meetings/Visits held with Building Management Bodies by District Office Staff (July 2002 to March 2003)*

Type of Staff	Purpose	No. of meetings held	No. of staff attended	Total time spent (man-hrs)
i) DBMLT staff and LOs	a) OC formation	663	769	2 205.00
	b) MC/Excom meeting	1 135	1 177	3 301.25
	c) AGM/EGM	2 338	2 659	7 054.50
	d) Maintenance meeting	1 400	1 589	4 050.50
	e) Fire safety	260	307	691.00
	f) Ad hoc meeting	479	560	1 159.75
	g) Others	1 099	1 307	1 941.50
Sub-total		7 374	8 368	20 403.50
ii) TCOs	a) OC formation	869	963	2 637.50
	b) MC/Excom meeting	4 449	4 658	13 114.50
	c) AGM/EGM	2 842	3 282	9 282.00
	d) Maintenance meeting	2 465	2 785	7 650.25
	e) Fire safety	441	562	1 772.50
	f) Ad hoc meeting	292	330	796.00
	g) Others	15 448	16 468	31 069.25
Sub-total		26 806	29 048	66 322.00
Total		34 180	37 416	86 725.50

* HAD started collecting relevant statistics from July 2002.

Source : HAD

HAD Performance Indicators for Building Management Services

Input Indicators

(a) No. of staff establishment on BM services including staff of HQ, DBMLTs and BMRCs

(b) Resources for promotional and publicity activities allocated to HQ

(c) DC funds for promotional and publicity activities at district level

Output Indicators

A. District Offices

(a) No. of OCs formed

(b) No. of visits/meetings with OCs, other residents' organisations, or property management bodies, and the time spent on the visits/meetings by DBMLT staff and TCOs

(c) No. of complaint cases handled

(d) No. of enquiries received by HAD and where HAD has rendered advice/assistance, including cases where owners have sought HAD's assistance on receipt of statutory orders/notices from Government departments, and cases of Specified Commercial Building, Blitz UBWs clearance, dangerous hillside order, clearance operation of unauthorised rooftop structures and WR2 inspection

(e) No. of educational and publicity activities organised, and the no. of participants in these activities

(f) No. of target buildings (BMCC, CMBS and Specified Commercial Buildings) to which HAD has rendered assistance

B. BMRCs

(a) No. of visitors

(b) No. of enquiries

(c) No. of appointments made with professional bodies

(d) No. of training activities organised, and the no. of participants in these activities

(e) No. of Government departments' pamphlets distributed

(f) Setting up of new BMRCs

C. HAD HQ

(a) BM website hit-rate

Outcome Indicators

Customer Satisfaction

(a) Regular questionnaire surveys on BMRC services

(b) Regular questionnaire surveys on newly registered OCs formed with DOs' assistance

(c) Regular questionnaire surveys on existing OCs

(d) No. of commendation letters

(e) No. of substantiated complaints

Findings of the Survey on the services of BMRCs

民政事務總署
大廈管理資源中心

Home Affairs Department
Building Management
Resource Centre

回應表

日期：1/6/2002 – 31/5/2003
總數：703 份問卷

1. 閣下使用本中心的目的（可選擇多項）
   - ☐ 諮詢意見 (357)
   - ☐ 索取單張 (295)
   - ☐ 閱覽參考資料 (286)
   - ☐ 約見專業人士 (236)
   - ☐ 借閱錄影帶/光碟 (76)
   - ☐ 使用社區數碼站 (52)
   - ☐ 工作坊/訓練課程 (218)
   - ☐ 其他 (10)

2. 閣下對本中心所提供的有關大廈管理資料/服務有何意見？

   (a) 政府部門刊物（供市民取閱之單張/印刷品）
   - ☐ 非常足夠 (155)
   - ☐ 足夠 (491)
   - ☐ 尚有不足，建議增加項目： (26)

   (b) 參考資料
   - ☐ 非常足夠 (125)
   - ☐ 足夠 (503)
   - ☐ 尚有不足，建議增加項目： (24)

   (c) 由本中心職員所提供諮詢服務：
   - ☐ 非常滿意 (247)
   - ☐ 滿意 (416)
   - ☐ 有待改善，例如： (8)

   (d) 專業團體代表所提供諮詢服務(香港律師會、香港會計師公會、香港測量師學會、香港物業管理公司協會、香港工程師學會、香港房屋經理學會、香港建築師學會)：
   - ☐ 非常滿意 (145)
   - ☐ 滿意 (282)
   - ☐ 有待改善，例如： (20)

(e) 工作坊/訓練課程

☐ 非常滿意 (124)

☐ 滿意 (335)

☐ 有待改善，例如： (18)

(f) 社區數碼站

☐ 非常滿意 (67)

☐ 滿意 (283)

☐ 有待改善，例如： (15)

3. 閣下對工作人員態度的滿意程度？

☐ 非常滿意 (301)

☐ 滿意 (355)

☐ 有待改善，例如： (5)

4. 本中心的地點是否適中、方便？

☐ 是 (647)

☐ 否，原因是： (24)

5. 本中心的開放時間是否適當？

☐ 是 (384)

☐ 否，建議開放時間 (11)

6. 本中心的服務，對閣下在大廈管理認識有否幫助？

☐ 有 (653)

☐ 沒有，原因是： (4)

7. 其他意見： (50)

Survey forms for the Building Management Website

Home Affairs Department
Survey on Building Management Homepage

Your comments will help us to improve our web site and services for you. Please spare a few minutes to fill out this questionnaire. Thank you for your co-operation!

I. Your overall comments on our homepage

(1) Building Management Information

i. Coverage
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

ii. Usefulness
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

iii. Update
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

(2) Graphic Design
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

(3) User friendliness

i. Organisation of information
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

ii. Ease of navigation
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

(4) As a means to communicate with the Department
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

(5) Overall
○ Very satisfied ○ Satisfied ○ Fair ○ Dissatisfied
○ Very dissatisfied ○ No comment/Don't know

II. Your comments on the following sections of our homepage

(6) Policy Objective for Home Affairs Bureau
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(7) Role and Services
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(8) Formation of Owners' Corporations
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(9) Legislation
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(10) Reference Materials
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(11) Building Management Resource Centres
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful
○ Not Useful ○ No comment/Don't know

(12) Building Management
○ Very Useful ○ Useful ○ Average ○ Not Quite Useful

Bulletin ◌ Not Useful ◌ No comment/Don't know

(13) What's New ◌ Very Useful ◌ Useful ◌ Average ◌ Not Quite Useful
◌ Not Useful ◌ No comment/Don't know

(14) Comments & Enquiry ◌ Very Useful ◌ Useful ◌ Average ◌ Not Quite Useful
◌ Not Useful ◌ No comment/Don't know

(15) Database of Private Buildings in Hong Kong ◌ Very Useful ◌ Useful ◌ Average ◌ Not Quite Useful
◌ Not Useful ◌ No comment/Don't know

III. Personal Particulars

(1) Sex ◌ Male ◌ Female

(2) Age ◌ Under 12 ◌ 12 - 29 ◌ 30 - 39 ◌ 40 - 49
◌ 50 or above

(3) Education Level ◌ Kindergarten or below ◌ Primary ◌ Secondary
◌ Tertiary or above

(4) Occupation ◌ Professional/associate professional
◌ Manager/administrator ◌ Clerical
◌ Skilled or unskilled worker ◌ Service or sales worker
◌ Student
◌ Academic/Educator ◌ Home-maker ◌ Retired
◌ Others

End of questionnaire
Thank you for your valuable comments
Please click "Submit"

Submit

Survey forms for Building Management Services

問卷編號：＿＿＿＿＿＿＿＿

二零零三年七月
民政事務總署問卷調查

業主立案法團

被訪者姓名：＿＿＿＿＿＿＿＿＿＿＿＿ 聯絡電話：＿＿＿＿＿＿＿
法團名稱：＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿
法團地址：＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿
填寫問卷日期：＿＿＿＿＿＿＿＿

請在適當的空格內加上「✓」號

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(1) 你是否滿意民政事務處提供的業主立案法團資料？（例如：小冊子、錄影帶等）	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿

	非常容易	容易	普通	困難	非常困難	無意見/不適用
(2) 你認爲這些資料是否易於索取？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿

	非常容易	容易	普通	困難	非常困難	無意見/不適用
(3) 你認爲負責法團事務的職員是否易於聯絡？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿＿

	非常有禮貌	有禮貌	普通	無禮貌	非常無禮貌	無意見/不適用
(4) 你認爲他們是否有禮貌？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	極爲清晰詳盡	大致清晰詳細	普通	不太清晰	非常不清晰	無意見/不適用
(5) 在回應你的提問時，他們的答覆是否清晰詳盡？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(6) 你認爲他們提供的意見對你是否有幫助？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	已盡全力	很努力	普通	未盡力	全不盡力	無意見/不適用
(7) 當你遇到問題時，他們有沒有盡力協助你？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(8) 你是否滿意他們事後跟進的效率？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(9) 你是否滿意他們探訪或出席會議的次數？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(10) 在會議上有業主持不同意見或有糾紛時，他們所提供的調解建議是否有幫助？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常足夠	足夠	普通	不足夠	非常不足夠	無意見/不適用
(11) 你認爲民政事務處舉辦的訓練課程 / 工作坊 / 研討會的宣傳資料是否足夠？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常有幫助	有幫助	普通	沒有幫助	非常沒有幫助	無意見/不適用
(12) 你認爲民政事務處舉辦的訓練課程 / 工作坊 / 研討會對你是否有幫助？	5 ☐	4 ☐	3 ☐	2 ☐	1 ☐	0 ☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

	非常滿意	滿意	普通	不滿意	非常不滿意	無意見/不適用
(13) 整體來說，你是否滿意民政事務處職員爲業主立法團提供的協助服務？	5☐	4☐	3☐	2☐	1☐	0☐

如選擇 1 或 2，請說明原因或建議可以改善之處。

____

(14) 你認爲我們可以怎樣提升服務質素呢？

____

問卷完畢
謝謝你的寶貴意見！
請把問卷放入隨附的信封內，並寄回本署。

Annex 13

Terms of Reference and Composition of Building Management Co-ordination Committee

1. To establish criteria for the selection of a number of target buildings in the district which would benefit from management advice for the DBMLT to work upon and to recommend selected target buildings for endorsement of District Council.

2. To identify and examine general/specific building management and related problems in the target buildings and to make recommendations for rectification.

3. To identify ways and means, both in the long and short term, whereby the owners/residents, management agencies and relevant Government Departments can take to alleviate/solve the identified management problems and to improve the standard of management of the target buildings.

4. To co-ordinate private and Government efforts in tackling the problems identified in such target buildings and to assess the effectiveness of their applications periodically.

5. To identify any legislative deficiencies relating to building management and to recommend appropriate amendments to HAD HQs for consideration.

6. To prepare periodic returns/reports to HAD HQs and to the District Council on the progress of work on all Type A buildings and on those Type B buildings which BD has taken action.

7. To act as a district advisory body on all aspects concerning management in private buildings in the district.

Composition

Chairman : District Officer

Members : Representatives of

- Buildings Department
- Lands Department
- Labour Department
- Hong Kong Police Force
- Fire Services Department
- Food and Environmental Hygiene Department
- Electrical and Mechanical Services Department
- Home Affairs Department (DBMLT)

When dealing with industrial buildings :

- Environmental Protection Department
- Drainage Services Department

Secretary : Home Affairs Department (DBMLT)

Selection criteria for BMCC Target Buildings

1. Fire hazard or fire safety problems, such as obstructions in common parts of buildings, blocking means of escape, locking of exits, defective/alteration/removal of self-closing smoke stop doors/fireman's lift lobby or sub-standard fire service installations and/or fire service provisions owing to lack of proper maintenance.

2. Deterioration of electrical cables/fittings and the physical structure of buildings, such as the lack of proper maintenance and repairs of common parts including corridors, staircases, roofs, lifts and plumbing systems.

3. Presence of extensive unauthorized installations which adversely affect the environment and the building condition, such as removal of fire resisting separation, unauthorized structures and extensions in common parts, sign-boards; unauthorized use of premises for workshops or hazardous trades; and premises producing various nuisances such as noise nuisance.

4. Serious insanitary conditions leading to health hazard or an unhealthy environment, such as the accumulation of refuse at staircases, canopies and light-wells; filthy water from leaking pipes; improper and infrequent cleaning of common parts; and improper means of refuse disposal.

5. Security problems such as the lack of satisfactory security equipments or system, poor lighting in common corridor and staircases.

6. Inefficient and ineffective building management and poor communication with owners/residents.

7. Buildings with private streets having associated problems such as obstruction of roadway by vehicle parking or erected structures etc.

Statistics on BMCC Target Buildings (by districts)
(as at 30 September 2003)

District	No. of TBs				
	Type A		Type B		Total
	CMBS	BUC/Others	List A#	List B#	
E	49	56	0	32	137
K&T	8	24	1	13	46
KT	8	28	13	25	74
WC	43	47	14	123	227
C&W	44	23	7	32	106
KC	28	14	0	29	71
SSP	0	21	0	22	43
TW	12	5	7	22	46
YTM	0	19	20	2	41
TM	3	10	4	16	33
TP	0	2	0	0	2
WTS	4	7	3	0	14
ST*	-	-	-	-	-
S	6	2	0	0	8
YL	8	9	0	7	24
Is*	-	-	-	-	-
SK*	-	-	-	-	-
N*	-	-	-	-	-
TOTAL	**213**	**267**	**69**	**323**	**872**

* Districts without BMCC

\# List A – TBs surveyed by BD, action will continue

List B – TBs not surveyed by BD, action pending

Legend

BD : Buildings Department

BMCC : Building Management Co-ordination Committee

BUC : Blitz UBW Clearance

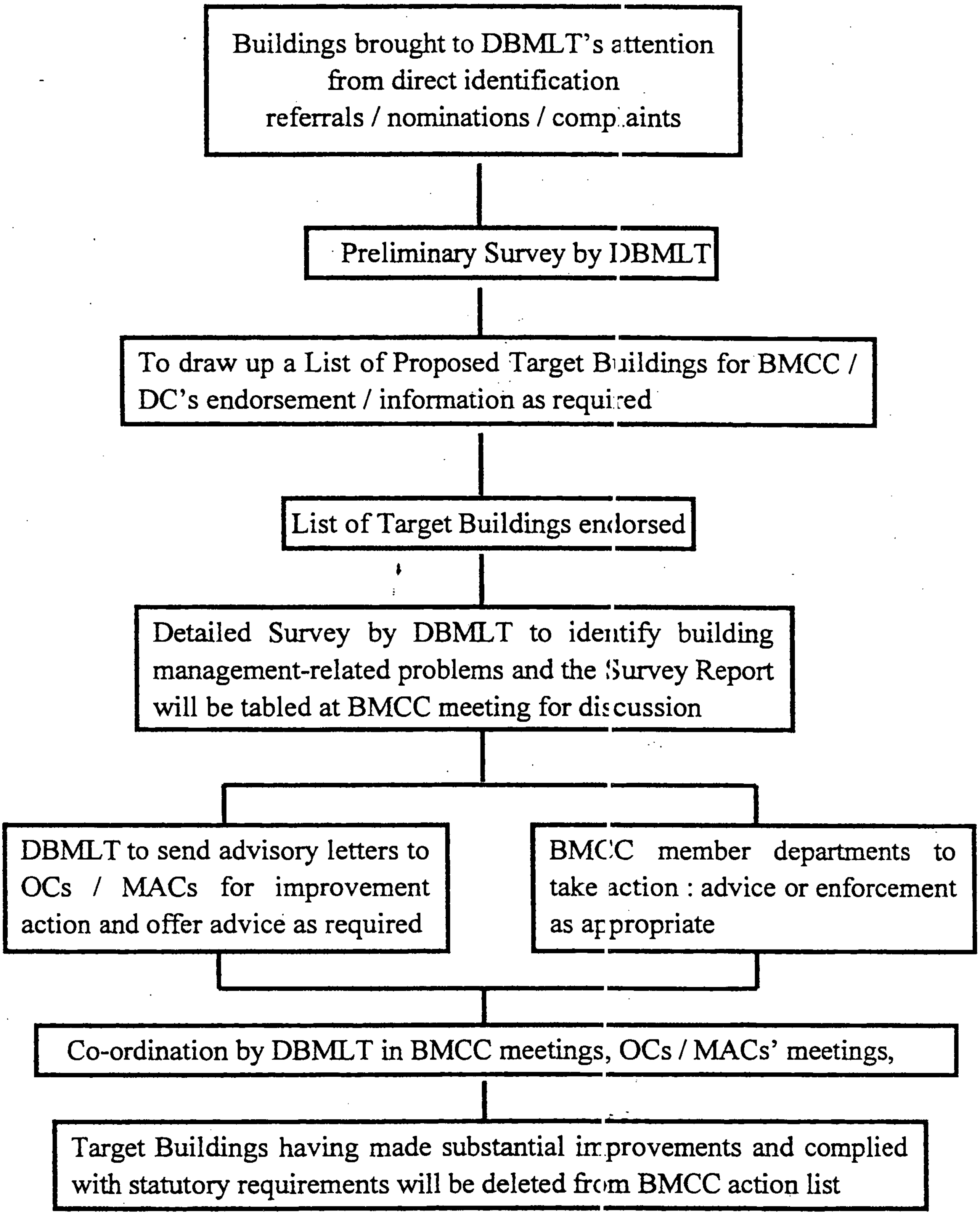
CMBS : Co-ordinated Maintenance of Buildings Scheme

TBs : Target buildings

Source : HAD

Procedural Flowchart on the handling of BMCC Target Buildings

A flow chart showing the target building work flow is given below :



Remarks : The above flow chart illustrates the general practice whereas the practice may vary from one Team to another.

Source : Operational Manual of DBMLT

Roles of Different Departments participating in the BMCC

(i) Buildings Department (BD)

- For dilapidated buildings—Section 26 A of Building Ordinance.
- For insanitary drains—Section 28 of Building Ordinance.
- For UBW—Section 24 of Fire Safety Direction notices under FS (CP) Ordinance.

BD is responsible for enforcing the Buildings Ordinance. It conducts surveys to target buildings with focus on structural safety and takes enforcement action against UBWs and illegal encroachment of common areas. BD takes action against UBWs in accordance with the existing policies of priorities.

BD introduced in March 1988 a policy to deal with UBWs within the available resources. The 1988 policy divided UBWs into two types, a high priority group for which action will be taken as priority, and a low priority group for which action may be deferred.

The criteria for distinguishing the two groups are :-

(i) *High Priority*

- UBWs constituting an imminently dangerous situation where there is an obvious danger to life or property.
- Significant new UBWs irrespective of the date of completion of the building in which the UBWs have been carried out.
- Such UBWs or particular types of UBWs in buildings, lanes, streets, areas, etc. as may be recommended for demolition or other remedial action by public bodies or government agencies.
- Major UBWs which contravene the Buildings Ordinance and lease conditions at the same time.

(ii) *Low Priority*

UBWs not covered by the High Priority group will fall into the Low Priority group for which no enforcement action will be taken for the time being. Cases in this group will, however, be upgraded when it is considered appropriate

Source : Operational Manual of DBMLT

to do so.

Depending on urgency and seriousness of the case, BD issues advisory letters or statutory orders to OCs/owners reminding them to rectify the irregularities. If the repairs or removal works specified in statutory orders are not complied with within a specified period of time, BD may prosecute the defaulters or employ a Government contractor to carry out the works on behalf of the owners and recover the costs thereof, together with a supervision charge from them. At any time before such costs are wholly recovered, BD may register in the Land Registry against the title of any premises or land in respect of such cost.

With allocation of additional resources in recent years, BD launched new pilot schemes in tackling the maintenance and safety problems of private buildings. The Blitz UBW Clearance Operation, launched since 1999, aims at removing UBWs on the external walls of buildings. The CMBS, with the participation of other enforcement departments namely, HAD, FSD, EMSD, FEHD and WSD, and introduced in November 2000, provides an integrated and collaborative support to the OCs/owners in resolving their building management and maintenance problems.

(ii) Environmental Protection Department (EPD)

EPD deals with problems of environmental pollution. For example, it conducts survey to assess whether a factory in a building is a chemical waste producer and to test whether its emission is in compliance with statutory standards. It works closely with BD on illegal connection to public drains causing damage, blockage or illegal discharge of trade effluents. The Department also recommends anti-pollution measures for operators to comply with and takes enforcement action against offenders, if necessary.

(iii) Fire Services Department (FSD)

FSD inspects target buildings and deals with problems relating to fire safety and fire prevention. Enforcement action is taken in accordance with the Fire Services Regulations. Attention is paid to the obstruction to means of escape, open or damaged smoke doors and poor maintenance of FSIs and its equipment. Verbal warnings, Fire Hazard Abatement Notices (FHANs) or Fire Safety Directions will be issued to the OCs or owners, whenever necessary. Those who fail to comply with the stipulations may be prosecuted.

(iv) Electrical and Mechanical Services Department (EMSD)

EMSD is responsible for the safety of electrical installations. By law, owners of electrical installations are required to have them properly installed, maintained and tested and certified periodically. Offenders to the above will be prosecuted.

(v) Labour Department

Labour Department deals with matters affecting health and safety of factory workers. Action will be taken on illegal factories within residential buildings. Prosecutions are taken against offenders if they do not heed the verbal warnings.

(vi) Lands Department

Lands Department is responsible for enforcement of lease conditions, change of land use and checking of land status (particularly the rear lanes). Enforcement action will be taken against breach of lease conditions, such as storage of goods in residential flats or in car parks.

(vii) Hong Kong Police Force

The Police frequently visits target buildings and advises the OCs/MACs on the importance of crime prevention and building security. It conducts raids on suspected vice-establishments in target buildings. Moreover, it takes action against those who do not comply with the Security and Guarding Services Ordinance in employing caretakers in target buildings.

(viii) Food and Environmental Hygiene Department (FEHD)

The Department is responsible for the public sanitary conditions throughout the territory and takes actions according to the **Public Health and Municipal Services Ordinance.** Action will be taken against offenders of indiscriminate dumping of refuse and abandoned articles, defective drains and soil pipes, etc. Apart from verbal warnings, the Department may also issue statutory notices requiring the offenders to abate nuisances or even prohibit the use of any premises for human habitation if they consider the premises are unfit for such purpose.

(ix) **Home Affairs Department (HAD)**

DBMLTs of HAD provide direct assistance to building owners to improve their buildings at owners' co-operation.

DBMLTs act mainly as advisors and co-ordinators. They liaise with owners or management bodies of target buildings to understand their problems and provide problem-solving advice. They encourage owners to participate in managing their properties in accordance with the *Code of Practice in Building Management and Maintenance.*

DBMLTs co-ordinate inter-departmental action and work closely with BD to advise owners to remove UBWs and to carry out major repairs and maintenance to the buildings. While seeking the co-operation of OCs/MACs/owners in complying with statutory orders/notices, DBMLTs report the situation to relevant departments in the regular BMCC Meeting.

Deletion of Target Buildings

Problems of target buildings are brought up for discussion and reviewed periodically in the BMCC meetings. When the improvement action of a target building is completed to the satisfaction of the BMCC members, name of the building will be deleted from the action list of target buildings.

With the co-ordination of DBMLTs and concerted efforts of the government departments, more than 1500 buildings have, as at 31.12.2001, been included as target buildings of which about 1000 have been deleted upon completion of improvements. Progress of Improvement in Target Buildings as at 31.12.2001 is at **Appendix VIII.**

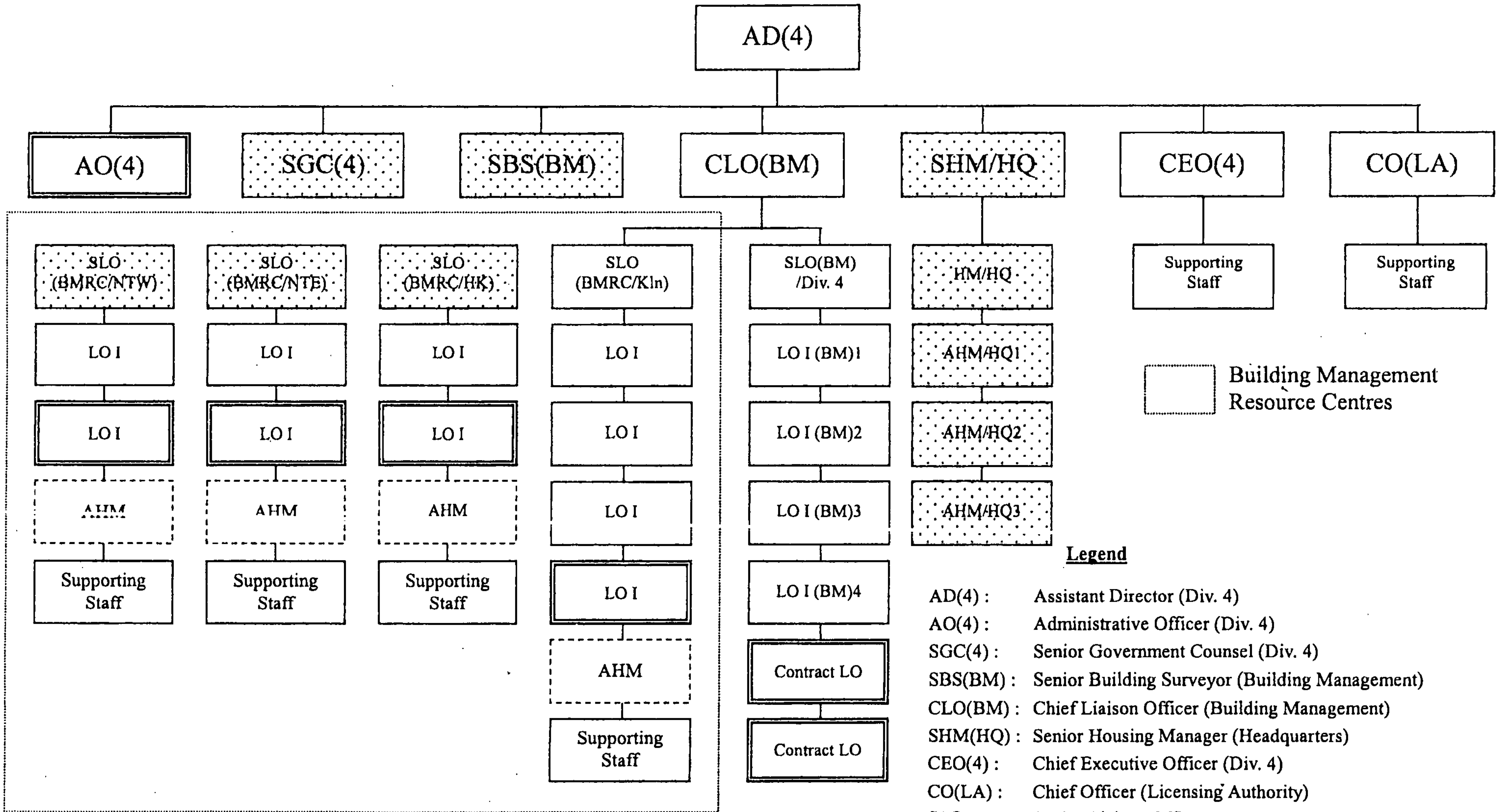
Note by the Office of The Ombudsman :

In order to reflect more truly the role and practice of FSD in the BMCC, the Director of Fire Services has proposed for consideration by HAD the following amendments to item (iii) :

(i) 'Fire Services Regulations' in line 3 should read as 'Fire Services Ordinance'; and

(ii) The entire sentence in line 5 'Verbal warnings, Fire Hazard Abatement Notices (FHANs) or Fire Safety Directions will be issued to the OCs or owners, whenever necessary' should be revised to read: 'Advisory Letters and Fire Hazard Abatement Notices (FHANs) will be issued to the OCs or owners, whenever necessary.'

Organisational Chart of Building Management Division (Division IV) of HAD Headquarters (October 2003)

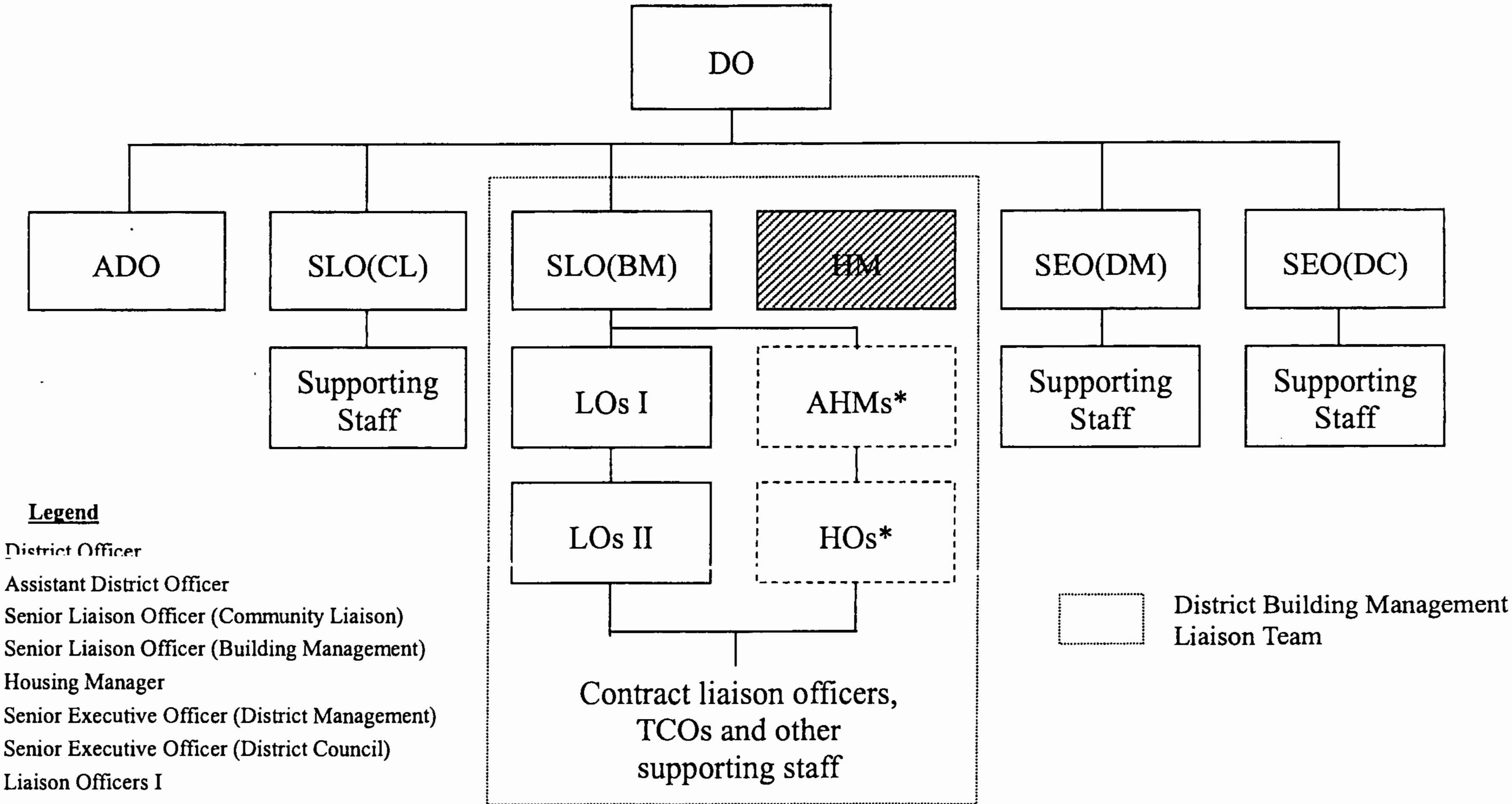


Legend

AD(4) :	Assistant Director (Div. 4)
AO(4) :	Administrative Officer (Div. 4)
SGC(4) :	Senior Government Counsel (Div. 4)
SBS(BM) :	Senior Building Surveyor (Building Management)
CLO(BM) :	Chief Liaison Officer (Building Management)
SHM(HQ) :	Senior Housing Manager (Headquarters)
CEO(4) :	Chief Executive Officer (Div. 4)
CO(LA) :	Chief Officer (Licensing Authority)
SLO :	Senior Liaison Officer
HM :	Housing Manager
LO I :	Liaison Officer I
AHM :	Assistant Housing Manager
	Posts deleted and staff returned to parent departments
	Posts scheduled for deletion by March 2004
	Posts newly created

Annex 18(a)

Organisational Chart of a Typical District Office
(October 2003)



Legend

DO : District Officer
ADO : Assistant District Officer
SLO(CL) : Senior Liaison Officer (Community Liaison)
SLO(BM) : Senior Liaison Officer (Building Management)
HM : Housing Manager
SEO(DM) : Senior Executive Officer (District Management)
SEO(DC) : Senior Executive Officer (District Council)
LOs I : Liaison Officers I
LOs II : Liaison Officers II
AHMs : Assistant Housing Managers
HOs : Housing Officers
TCOs : Temporary Community Organisers
(hatched box) Posts deleted and staff returned to Housing Department
(dashed box) Posts scheduled for deletion

* All AHMs and HOs scheduled for return to HD by March 2004 and March 2006 respectively.

Annex 18(b)

Generic Building Management Themes

- Building Safety and Maintenance
- Safety and Maintenance of Building Services Installations
  (e.g. electricity, gas, lifts, water supply, drainage)
- Ancillary Structures and Facilities
  (e.g. rooftop structures, carparks, private slopes and roads, rear lanes, advertising signs)
- Fire Safety and Fire Prevention
- Security and Crime Prevention
- Environmental Hygiene and Nuisance
  (e.g. cleanliness, waste disposal, water, air, noise pollution, water seepage)
- Financial Management and Procurement of Supplies, Goods and Services
  (e.g. management fees, budgets and accounts, insurance, funds, tendering)
- Corporate Management
  (e.g. powers and duties, meetings and procedures, AGMs, EGMs, corporate governance, communication with owners/tenants)
- Property Management Companies
- Building Management Disputes
- Formation of Building Management Bodies
- Building Management Related Legislation and Documents
  (e.g. BMO, Deed of Mutual Covenant, Land Grant, Code of Practice)
- Work of Home Affairs and Other Government Departments

Annex 20

Bureaux and Departments involved in Private Building Management

Bureaux		Environment, Transport and Works Bureau	Home Affairs Bureau	Housing, Planning and Lands Bureau	Health, Welfare and Food Bureau	Security Bureau
Departments	Labour Department	Civil Engineering Department	Home Affairs Department	Buildings Department	Food and Environmental Hygiene Department	Fire Services Department
	Independent Commission Against Corruption	Drainage Services Department		Lands Department		Hong Kong Police Force
		Electrical and Mechanical Services Department		Land Registry		
		Environmental Protection Department				
		Water Supplies Department				